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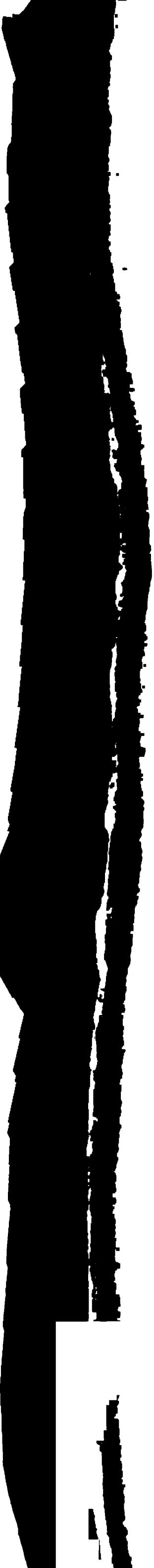
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Rec. May 24, 1900.

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MESSAGE
FROM THE
PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of State in relation to the deliberations of the Fishery Commission.

MAY 18, 1878.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the Senate and House of Representatives :

I herewith transmit for your appropriate action a communication from the Secretary of State on the subject of the result of the deliberations of the Fishery Commission, appointed under certain provisions of the Treaty of Washington, with the accompanying documents.

Article XXII of the treaty provides that any sum of money which the Commissioners may award shall be paid by the United States Government in a gross sum, within twelve months after such award shall have been given.

The Commission announced the result of its deliberations on the 23d day of November, last year, and an appropriation at the present session of Congress will be necessary to enable the government to make the payment provided for in the treaty.

I respectfully submit to the consideration of Congress the record of the transaction, as presented upon the papers, and recommend an appropriation of the necessary sum with such discretion to the executive government in regard to its payment as, in the wisdom of Congress, the public interests may seem to require.

R. B. HAYES.

EXECUTIVE MANSION, May 17, 1878.

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AWARD OF THE FISHERY COMMISSION.

DEPARTMENT OF STATE, *May 16, 1878.*

I have the honor to lay before you the papers which relate to the subject of the fisheries as submitted to the determination of a Commission by certain provisions of the Treaty of Washington, and as considered before such Commission in evidence and argument, and the result of the deliberations of the Commission, as announced by the Commissioners at the conclusion of their labors. These papers embrace all the authentic documents of the transaction, commencing with the negotiation of the pertinent articles of the Treaty of Washington, running through the conduct of the investigation before the Commission to the result reached by the Commissioners, and closing with the report of the Agent of the United States of such proceedings before the Commission and their result. When communicated to Congress they will present to its attention such materials for legislative action in the premises as are in the possession of the department.

The selection of the three Commissioners in the manner pointed out by the treaty had been completed by my distinguished predecessor in office, just before I entered upon my duties, and the Agent on the part of this Government "to represent it generally in all matters connected with the Commission," as provided in the treaty, had received his appointment some years before. The treaty enjoined upon the Commissioners that they should proceed with the organization of the Commission "at the earliest convenient period after they have been respectively named," and I deemed it important that counsel as competent and suitable as I could command from the profession should be promptly placed at the service of our Agent, to aid in the maintenance of the case of the United States before the Commission. I thought the government fortunate in being able to secure the professional aid of lawyers of such general ability and special qualifications as Mr. Dana, of Massachusetts, and Mr. Trescot, of South Carolina. Upon an examination of the record of the proofs and arguments made before the Commission, I am happy to concur in the judgment which our Agent, Mr. Foster, expresses in his report as to the merit and value of the labors of these accomplished counsel in the conduct of the case, and I am quite sure the ability, fidelity, vigilance, and circumspection shown by Mr. Foster himself in the preparation, the production, and the enforcement of the case of the United States, deserve and will receive the fullest approval of all departments of the government that shall have occasion to give the subject any consideration.

In the preparation and presentation of the proofs, I was able to make use of the unrivalled knowledge and complete intelligence of the whole subject of fish and fisheries possessed by Professor Baird, the United States Commissioner of Fish and Fisheries, who gave to the agent and consul of the United States, during the session of the Commission at Halifax, the benefit of his attendance and scientific instruction in the selection and production of evidence on our part, and in criticism and

correction of that adduced by the British agent and counsel. It gives me, also, pleasure to concur in Mr. Foster's praise of the valuable services, in connection with the case of the United States, of Mr. Babson, the collector of customs at Gloucester, the principal fishing port of the country, and of Mr. Jackson, our experienced and excellent consul at Halifax.

In looking back upon the conduct of the case of the United States before the Commission, I am not able to discover any failure of ability or attention on our part in any matter calculated to secure a just and satisfactory determination by the Commissioners of the matter submitted to them. If that determination, as announced by the Commissioners, shall fail to satisfy our sense of right, as a disposition of the matter in contention before the Commission, the disappointment cannot be charged to any fault or omission on the part of our Agent and counsel in the presentation of our case.

In proceeding to lay before you the actual result of the proceedings before the Commission for communication to Congress, with such recommendation in respect to its action thereupon as may seem to you expedient, I find it necessary to precede such observations upon the result itself, as seem to me appropriate, by a brief statement of the essential points of the contention between the two countries on the subject of the fisheries, and of the method which, it was hoped, had been happily provided by the Treaty of Washington for solving the dispute.

Upon the termination of the Reciprocity Treaty, the dispute about the fisheries, which was put at rest while that treaty was in operation, was remitted to its old and troublesome elements. When the subject was taken up in the negotiations which produced the Treaty of Washington, it appears from the protocol of the conferences on this subject which will be found among the papers now submitted, that the High Commissioners on the part of the United States regarded the participation in the inshore fisheries of the Gulf of Saint Lawrence (the matter under negotiation), as of very moderate pecuniary value, justifying only an offer of the sum of \$1,000,000 for the right in *perpetuity*, to save the irritations and strifes inseparable from the vague and uncertain water-line of demarcation of privileges provided by the convention of 1818, which had been so fruitful of controversy between the two countries. On the other hand, the High Commissioners on the part of Great Britain evidently looked upon the possession of our markets for the products of the fisheries of the Dominion and adjacent parts free of duty, as the desirable consideration in exchange for our participation in their fisheries, with such make-weights in the negotiation in the way of further free trade as they might be able to persuade us to concede therewith. They persisted, therefore, in rejecting pecuniary measures of the value of a participation in the inshore fisheries and struggled for the renewal of free importations into this country, which had been enjoyed under the Reciprocity Treaty, to as large an extent as might be. The result of the conferences is shown in Articles XVIII to XXV of the Treaty, and disposed of the matter as follows:

I. A participation in the inshore fisheries of the Gulf of Saint Lawrence is conceded to the inhabitants of the United States for a term of years, to wit: for twelve years from the commencement of the right. (Articles XVIII and XXIII.)

II. A participation in the inshore fisheries of the United States north of thirty-ninth parallel of north latitude, is conceded to subjects of Great Britain for the same term of years. (Article XIX.)

III. Free importation into the United States of fish and fish-oil of all

kinds (except of inland lakes, and rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada or of Prince Edward Island was conceded for the same term of years. (Article XXI.)

IV. Upon an assertion by the Government of Great Britain that the privileges accorded to citizens of the United States under Article XVIII are of *greater value* than those accorded by Articles XIX and XXI to British subjects, which was not admitted by the Government of the United States, it was "agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given." (Article XXII.)

The appointment of the "Commissioners" was arranged as follows:

One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. (Article XXIII.)

The order of procedure before the Commission is prescribed, and it is provided that "the case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter." (Article XXIV.)

The Commission as organized consisted of Mr. Maurice Delfossee, the Belgian minister at Washington, named by the Austrian ambassador at London, presiding; the honorable Ensign H. Kellogg, named by the President of the United States; and Sir Alexander T. Galt, named by Her Britannic Majesty. It held its first conference on the 15th June, 1877; the case on both sides was concluded at the seventy-seventh conference, held on the 21st November, 1877, and the result of its deliberations was announced at the succeeding conference, held on the 23d day of the same month. This result is stated in the protocol of that conference, as follows:

The undersigned, Commissioners appointed under Articles XXII and XXIII of the treaty of Washington, of the 8th of May, 1871, to determine having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of said treaty, the amount of any compensation which in their opinion ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of the said treaty,—having carefully and impartially examined the matters referred to them, according to justice and equity, in conformity with the solemn declaration made and subscribed by them on the fifteenth day of June, one thousand eight hundred and seventy-seven,—

Award the sum of five millions five hundred thousand dollars in gold, to be paid by the Government of the United States to the Government of Her Britannic Majesty, in accordance with the provisions of the said treaty.

Signed at Halifax, this twenty-third day of November, one thousand eight hundred and twenty-seven.

MAURICE DELFOSSE.
A. T. GALT.

The United States Commissioner is of opinion that the advantages accruing to Great Britain under the Treaty of Washington, are greater than the advantages conferred on the United States by said treaty, and he cannot therefore concur in the conclusions announced by his colleagues.

And the American Commissioner deems it his duty to state further that it is questionable whether it is competent for the board to make an award under the treaty except with the unanimous consent of its members.

E. H. KELLOGG,
Commissioner.

Upon the announcement of this result, Mr. Foster, the agent of the United States, addressed the Commission, saying :

I have no instructions from the Government of the United States as to the course to be pursued in the contingency of such a result as has just been announced. But if I were to accept in silence the paper signed by two Commissioners, it might be claimed hereafter that, as agent of the United States, I had acquiesced in treating it as a valid award. Against such an inference it seems to be my duty to guard. I therefore make this statement which I desire to have placed upon record.

DWIGHT FOSTER,
Agent of the United States.

The question arising upon the actual result of the deliberations of the Commission, in manner and form as announced by the Commissioners, and suggested by Mr. Commissioner Kellogg, "whether it is competent for the board to make an award under the treaty, except with the unanimous consent of its members," is one that can be treated and determined only between the two governments. The Commission could not adjudicate upon its own powers under the treaty, and did not attempt to do so. No consideration of this question has, as yet, arisen between the two governments. Quite in advance even of the organization of the Commission, in a debate in the Dominion Parliament in March, 1875, upon a motion "for an address praying for correspondence in reference to the compensation to be paid by the United States to Canada, under the Treaty of Washington, for the right of fishing in Canadian waters," the requirement of unanimity of the Commission, in any valid award, was distinctly stated by Mr. Blake, minister of justice. He said "that the amount of compensation that we would receive from our fisheries must be an amount unanimously agreed upon by the Commissioners, and that, therefore, we must be willing to accept such compensation as the American Commissioner would be willing to concede to us, or we should receive nothing."

While the Commission was in session, an equally distinct declaration of the British opinion of the requirements of the treaty, on this point, appeared in the columns of the leading newspaper of that country. The London Times announced in its issue of July 6, 1877, in the most unqualified terms, that "on every point that comes before it" [the Fishery Commission] "for decision, the unanimous consent of all its members is, by the terms of the treaty, necessary before an authoritative verdict can be given."

In this country no public discussion on this point seems to have arisen until since the conclusion of the labors of the Commission. It will be quite competent for Congress, in considering an appropriation to meet the proper obligations of the government under the treaty, to waive or to insist upon this objection to the validity of the award of the Commission for non-conformity to the requirements of the treaty. In the absence of any declaration by Congress adverse to the validity of the award, it will not be the duty of the Executive to raise any discussion with the British Government upon this point. If, on the other hand, Congress should accompany the appropriation with an expression of its

opinion that the attention of the British Government should be drawn to the subject, the actual payment of the award might, so far as this point is concerned, well be made to depend upon the view which that government should maintain as to the meaning of the treaty in this regard. I think it may be assumed that neither the people of this country nor any branch of this government will desire to seek exemption from a money payment upon any judgment of its own upon a point of this nature under this beneficent treaty, unless it be so well founded as to secure the concurrence of the other High Contracting Party.

I pass now to an examination of serious importance, that is to say, a comparison between the award of the Commission in its substance, with the submission thereto under which the jurisdiction of the Commission and the limitation of its power over the matter in contention, between the two countries, are defined. That an award should comport with, and not transcend, the submission of the parties is a vital principle of all arbitrations, whether public or private, and its firm maintenance is essential to the preservation of this beneficent method of settling controversies between nations and individuals. Too ready or too severe an application of this rule, in reference to international arbitrations, is easily avoided by a recognition of certain manifest propositions. In the first place, the largeness of the subjects and the generality of the elements of controversies between nations preclude the vitiation of an award far exceeding the submission, unless upon a measure of disparity which cannot reasonably be overlooked and which cannot fairly be disputed. In the second place, the absence of any possible resort to a common paramount judgment as to the rectitude of the objection to an international award, and the necessary renewal, therefore, or aggravation of the original controversy as the consequence of impugning the award may well be trusted to deter a government from attempting such criticism, except upon most certain and adequate grounds, and under the most urgent motives of avoiding still more serious mischiefs to the public interests.

The mass of testimony and the amplitude of argument produced before the commission, and submitted herewith, however carefully explored, will, I think, leave no doubt upon the main features of the controversy upon which the award should be tested in respect to its conformity to the submission. It is greatly to be regretted that the protocols of the conferences have preserved no record of the steps in the investigation, or of the methods of reasoning by which the widely diverse conclusions of the two Commissioners that concurred and the Commissioner that dissented, respectively, were reached. The promulgation of the judgments of the several Commissioners followed immediately upon the closing of the arguments, and was accompanied by no exposition whatever of the grounds of such judgments. In the absence of direct instructions from these sources it is necessary to unfold, from the proofs, the practical nature and character of the pecuniary interests which constitute the subjects to be compared in money value by the Commissioners, under Articles XVIII, XIX, and XXI, of the Treaty, to reach the result of a pecuniary award under Article XXII.

I. It will appear, indisputably, upon the proofs that the practical measure of the concession to the United States of Article XVIII, was the grant of a participation by our citizens in the inshore fisheries of the Gulf of Saint Lawrence; that is to say, of a free and equal right to take part in the fisheries within the three miles line instead of being excluded therefrom, as under the convention of 1818. It also appears from the proofs, that the fishery thus opened to us was the *mackerel* fishery, within

that line. This concession, then, constituted the whole subject and measure of any pecuniary value which could enter into any award against the United States. What the pecuniary value of this participation in the inshore mackerel fishery was fairly estimable at, constituted the exterior limit of any possible award against the United States.

II. But when this first term of the pecuniary calculations had been reached, there remained for the Commission a similar estimate of the pecuniary value of the concessions made *by* the United States under Articles XIX and XXI of the treaty. Whatever, upon a fair estimate, should seem to be the pecuniary value of these concessions, was to be subtracted from the pecuniary value of the concession *to* the United States under Article XVIII, and the balance, as thus produced, and that only, should constitute the award justifiable under Article XXII.

As the result of this pecuniary problem, submitted by the treaty to this commission, Commissioners Delfosse and Galt have given the sum of \$5,500,000 as the superior value of the enjoyment for twelve years by the United States of the concession under Article XVIII, over the enjoyment for the same period by British interests of the concessions under Articles XIX and XXI. Commissioner Kellogg, on the other hand, finds "that the advantages accruing to Great Britain under the treaty of Washington, are *greater* than the advantages conferred on the United States by said treaty," and could concur, therefore, in no pecuniary award against the United States under Article XXII.

The first impression on comparing this "award" of two Commissioners with the treatment of the subject in contention between the governments by the Joint High Commissioners, and the treaty "submission" of a single point in that contention not finally disposed of by the treaty itself, is of almost irresistible force that the pecuniary measure, announced by the two Commissioners, is wholly inapplicable to the very limited subject submitted to the Commission for admeasurement. If the High Commissioners on the part of the United States considered \$1,000,000 as a liberal sum for the *purchase in perpetuity* of the whole privilege of the inshore fishery, without any further advantageous concessions in exchange therefor, and if the High Commissioners on the part of Great Britain considered the exemption of the products of the Canadian fisheries from duties on importation in this country so valuable that such concession, on our part, could not be dispensed with as an element in the negotiation, it seems difficult to believe that these eminent persons could have had in mind in the "submission" of Article XXII of the treaty the same subject of valuation which, in the minds of the two Fishery Commissioners, formed the basis of the valuation in their "award."

The allowance of \$5,500,000 for *twelve years' enjoyment* of what one High Contracting Party valued in negotiation at less than \$1,000,000 *in perpetuity*, and this over and above the privilege of free importation, which the other High Contracting Party, in negotiation, stipulated for as indispensable to its interests, is not easily reconcilable with that essential identity between the matter of the submission and the matter of the award on which the whole system of arbitration rests. On the contrary, the judgment of Commissioner Kellogg seems quite conformable with what was manifestly both the object of the treaty negotiations and their apparent result. This object and this apparent result was to adjust equivalents by the treaty itself, and leave but the narrowest margin of debate as to the accuracy of the adjustment, to be the province and area of the jurisdiction of the Fishery Commission.

Giving the largest range for divergent and conflicting evidence, where evidence rests on opinion, and assuming the largest measure of value to

the concession of Article XVIII, and the smallest measure of value to our set-offs of Articles XIX and XXI, when we come to definite criteria of the value of each, the result seems incompatible with the required identity between the matter of the submission and the matter of the award.

It happened that before the Commission at Halifax had concluded its labors, five fishing seasons of the treaty period had already elapsed, and the actual statistics of the privileges reciprocally conceded, were at hand, to replace conjectural estimates by actual results of the enjoyment, on the one hand and the other, of the reciprocal concessions. Upon these statistics it was disclosed that the whole mackerel catch of the United States, for these five seasons, in the Gulf of Saint Lawrence, both within and without the three-mile line, was 167,945 barrels. The Canadian estimates claimed that three quarters of this catch was within the three-mile line, and so to be credited to the privilege conceded by Article XVIII. The United States estimate placed the proportion at less than a quarter. Allowing even the Canadian claim, the product of these five years of inshore fishery would be 125,961 barrels. It was established upon Canadian testimony that the price which mackerel bore in the provinces was \$3.75 per barrel. This would give as the value, cured and packed, of the American catch under the privilege of Article XVIII (upon the Canadian claim of three-quarters being inshore) \$472,353. But in this value are included the barrel, the salt, the expense of catching, curing, and packing, all of which must be deducted before the *profit*, which measures the value of the fishery privilege, is reached. Upon the evidence a dollar a barrel would be an excessive estimate of such profit. This would give a profit to the United States from the enjoyment, for these five seasons of the fishery privilege conceded under Article XVIII, of but \$25,000 a year.

The statistics of importation of the product of the Canadian fisheries, under the privilege of Article XXI, show that the duty exacted prior to this concession, if imposed upon the Canadian importations under that privilege, would have produced a revenue of about \$200,000 per annum upon mackerel alone, and of \$300,000 upon all kinds of fish (mackerel included) and fish-oil.

Upon these figures it is quite obvious that were the profits of the fishery privilege enjoyed by our people under Article XVIII ten-fold what the statistics show, or \$250,000 per annum, and were the concession of duty treated as but one-half of it, or \$150,000 per annum, a gain to the Canadian fisheries under Article XXI, there would be but the sum of \$100,000 per annum as a support of the two Commissioners' award of nearly \$500,000 per annum as the balance of benefit to the United States. Another and quite independent criterion for testing the competency of the two Commissioners' award, is furnished by the history of this fishery privilege during some years intervening between the repeal of the Reciprocity Treaty and the negotiation of the Treaty of Washington. The Provincial Government in these years adopted a license system by which fishing vessels of the United States were admitted to the inshore fishery upon the payment of fees for the season at the rate of so much per ton. The experience of this system showed that, under an exaction of 50 cents per ton, our fishing fleet generally took out licenses; that when the fee was raised to \$1 per ton the number of licenses fell off about one-half; and when a fee of \$2 per ton was exacted but few licenses were taken out. It would not be easy to suggest a more practical or trustworthy measure of the pecuniary value to our fishermen of a participation in the inshore fisheries of the Gulf of Saint Lawrence, than a fair experiment of the license system would

afford. Assuming, even, that the tonnage licensed at the lowest rate, to wit, 50 cents per ton, would have borne the largest rate attempted, to wit, \$2 per ton, and the result places the proprietary value of the privilege at an inconsiderable sum. This tonnage was about 32,000 tons, which, at \$2 per ton, would have produced a revenue to the provinces of but \$64,000 per annum. If against this measure of the value of the privileges accorded to the United States under Article XVIII, there be set off the low estimate of the value of exemption from duty, as hereinbefore stated, at \$150,000 per annum, the concession made by the United States under Article XXI, the balance of advantage of the reciprocal concessions appears clearly in favor of the Canadian interests.

In the review of the transaction of the Fishery Commission, as recorded in the papers herewith submitted, which it was necessary for this government to make, in order to determine whether the limits of the subject submitted to the Commission had been adhered to or transcended by the two Commissioners' award, I have assumed the construction of the evidence, bearing upon the values involved, most favorable to the maintenance of the award.

The result, however, of my examination of the case satisfies me that the two Commissioners must have taken into account some very indefinite and quite illusory elements of calculation, wholly outside of the narrow submission of the treaty, in order to bring out the weighty balance of advantage to the United States which their award expresses. As the Commissioners have given no information as to the steps or methods of calculation, respecting either of the privileges which were to be measured and compared by them, which led to the award they have made, I am unable to correct my own view of the evidence by any instruction from that source.

It will be for Congress to determine in making an appropriation to meet the proper obligations of the government under the treaty, whether the question of the non-conformity of the award to the submission, should be presented to the attention of the British Government, and be made the subject of consideration between the two governments. The question between the two countries is of much more serious import than the present money payment involved. The subject of valuation will remain as an occasion of controversy, after the brief treaty period covered by this award has expired. Seven years hence, if no final negotiation shall, in the mean time, have extinguished this opportunity for umbrage and misunderstanding between the two countries, the subject of the inshore fisheries will again vex the patience of the governments, and disturb their relations. The mischief of an extravagant and inexplicable measure of value, if acquiesced in by a payment of this award, without an absolute and firm protest against its measure of the fishery privilege involved, will then present itself, and may grow into an unmanageable element in future treatment of the subject in the interest of justice and peace.

By Article XXII of the treaty the award is made payable within twelve months after it shall have been given ; that is, on or before the 23d day of November, in the present year. While the appropriation by Congress will need to be made at the present session, there will be abundant time, before the expiration of the year, to bring to the attention of the British Government the sentiments of this government, as they shall be expressed by Congress, on the subject of the award, and its payment, and the measure of value of the fishery privilege involved therein.

Respectfully submitted,

WM. M. EVARTS.

To the PRESIDENT.

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN.

ARTICLES RELATING TO THE FISHERIES.

Concluded May 8, 1871; ratifications exchanged June 17, 1871; proclaimed July 4, 1871.

ARTICLE XVIII.

It is agreed by the High Contracting Parties that, in addition to the liberties secured to the United States fishermen by the Convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided, that in so doing they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are reserved exclusively for British fishermen.

ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said first article of the treaty of the 5th of June, 1854.

ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this Treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this Treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omit-

ting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its agent, to represent it generally in all matters connected with the Commission.

ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this treaty shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof, and either party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this Treaty.

ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and agent or counsel; all other expenses shall be defrayed by the two governments in equal moieties.

ARTICLE XXVI.

The navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great

Britain or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the rivers Yukon, Porcupine, and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary-line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

ARTICLE XXVIII.

The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this treaty, be free and open for the purpose of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon not inconsistent with such privilege of free navigation.

ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for Her Britannic Majesty's Possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such Possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's Possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said Possessions, under such rules and regulations, and conditions for the protection of the revenue, as the Governments of the said Possessions may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or mer-

chandise may be conveyed in transit, without payment of duties, from the United States through the said Possessions to other places in the United States, or for export from ports in the said Possessions.

ARTICLE XXX.

It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: Provided, That a portion of such transportation is made through the Dominion of Canada by land-carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may, for the like period, carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the Possessions of Her Britannic Majesty in North America to another port or place within the said Possessions: Provided, That a portion of such transportation is made through the territory of the United States by land-carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

ARTICLE XXXI.

The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the Province of New Brunswick. And, in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this treaty, for such period as such export or other duty may be levied.

ARTICLE XXXII.

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this Treaty.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this Treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and, further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

Mr. Foster to Mr. Evarts.

WASHINGTON, *December 13, 1877.*

SIR: I have the honor to transmit to you the complete record of the proceedings of the Halifax Commission, under Articles XVIII to XXIII of the Treaty of Washington, signed May 8, 1871, together with the result arrived at by the Commissioners.

On the 15th of June, A. D. 1877, the Commission met and organized. On that day the rules of procedure were adopted, and the case of Her Majesty's Government was filed. The Commission adjourned from June 16 to July 28, during which interval I prepared and filed the answer on behalf of the United States, and a reply to the answer was filed by the British Agent.

The regular sessions of the Commission began on the 28th of July, and the time was occupied until the 18th of September, principally in the examination of witnesses and reading of affidavits in support of the case of Her Majesty's Government. During that time, two interlocutory discussions took place of considerable importance.

On the 28th of August, the counsel of the United States made a strenuous effort to obtain some arrangement by which the arguments should be so alternated as to give them fair notice of the grounds to be taken and positions to be maintained in the final reply on behalf of Great Britain, especially as regards the bearing of their testimony and statistics, as to which their case filed would be of little use. This was particularly important, because no oral opening whatever had been made by the Agent or counsel of Her Majesty. Although the rules of

procedure seemed clearly to contemplate an opening upon the evidence, they did not in terms require one. This application was refused by a majority of the Commissioners, Mr. Kellogg dissenting. And the final result was, that the three arguments on behalf of the United States were compelled to be made first, and were followed by three arguments on behalf of Great Britain.

It was, and is, the opinion of the counsel and Agent of the United States that it would have been fairer and more consonant with usage to have arranged some order of arguments, by which the counsel for the United States might hear something from the British counsel as to the bearing and use to be made of the evidence before their own arguments were completed, reserving to the British Government the advantage of the final reply.

During the progress of the evidence offered for Her Britannic Majesty, it became obvious that a very large, if not the greater, part of the British claim was based upon alleged advantages of a commercial character, which, whether valuable or not, were certainly not secured to the citizens of the United States by the articles of the treaty of 1871.

I therefore, on the 1st of September, made the following motion, for the purpose of excluding these pretended advantages from consideration, and thus relieving us from the necessity of swelling an already enormous volume of testimony by evidence on points clearly irrelevant to the true issue :

The counsel and Agent of the United States ask the honorable Commissioners to rule and declare that it is not competent for this Commission to award any compensation for commercial intercourse between the two countries, and that the advantages resulting from the practice of purchasing bait, ice, supplies, &c., and from being allowed to transship cargoes in British waters, do not constitute a foundation for award of compensation, and shall be wholly excluded from the consideration of this tribunal.

On the 5th and 6th September this motion was fully argued on both sides, and at the close of the argument the Commission unanimously rendered the following decision :

The Commission, having considered the motion submitted by the Agent of the United States at the conference held on the 1st instant, decide :

That it is not within the competence of this tribunal to award compensation for commercial intercourse between the two countries, nor for purchasing bait, ice, supplies, &c., nor for permission to transship cargoes in British waters.

The British case had (page 29) made the following emphatic statement :

Freedom to transfer cargoes, to outfit vessels, buy supplies, obtain bait, and traffic generally in British ports and harbors, or to transact other business ashore, not necessarily connected with fishing pursuits, are secondary privileges, which materially enhance the principal concessions to United States citizens. These advantages are indispensable to the success of foreign fishing on Canadian coasts ; without such facilities, fishing operations, both inside and outside of the in-shores, cannot be conducted on an extensive and remunerative scale.

Naturally, therefore, the Agent and counsel of the United States felt that this decision of the Commission eliminated from the British claim its largest element of value, and that they were not only at liberty but bound to confine themselves to the consideration of what was left, namely, the value of the specific fisheries which had been opened to the citizens of the United States by the XVIII. Article of the treaty of 1871; and in this opinion they were confirmed by the language of Sir Alexander Galt, one of the Commissioners, in expressing his concurrence in the decision :

I listened with very great pleasure to the extremely able arguments made on both sides, and I find that the effect of this motion and of the argument which has been given upon it is to limit the power of this tribunal to certain specified points. This

definition is undoubtedly important in its consequences. It eliminates from the consideration of the Commission an important part of the case submitted on behalf of Her Majesty's Government, and this is undoubtedly the case, so far as this part forms a direct claim for compensation.

The evidence on behalf of the United States commenced on the 19th day of September and closed on the 24th of October. During that time seventy-eight witnesses were examined orally, nearly all of whom came from the fishing-towns of Maine and Massachusetts, and had been practical fishermen and commanders of fishing-schooners. Among them, however, were a number of the largest fish-dealers and owners of fishing-vessels in the United States.

I also introduced two hundred and eighty affidavits and a great mass of statistics gathered from the United States Bureau of Statistics, the custom-house of Boston and Gloucester, and the returns of the Massachusetts inspector-general of fish.

Much use was made of Canadian public documents and of the diplomatic and legislative discussions of questions connected with the British North American fisheries, the rights of the citizens of the United States to use them under the convention of 1818, and the limitations of those rights by the terms of that convention, and upon the degree of importance of the extension of fishing-rights conferred on the United States by the Reciprocity Treaty and the Treaty of Washington.

The evidence as to the value to the Canadians of the remission of duties upon fish and fish-oil and of free access to the markets of the United States during the period of the Reciprocity Treaty; of the disastrous effect of the abrogation of that treaty upon the fishing interests of the Dominion; of the revival of those interests directly after the Treaty of Washington went into operation; of their present flourishing and prosperous condition; and of their favorable prospects for the future, seemed to me very full and conclusive.

On the other hand, it appeared, without contradiction, that ever since that treaty took effect, July 1, 1873, United States fishing in British waters had steadily declined; that it had become unprofitable, and was being gradually well-nigh abandoned. In addition to such direct testimony, no uncertain evidence of the practical participation of United States fishermen in the fisheries within the territorial waters of Canada and of the real value of such fishing was furnished by the history of the system of licenses adopted by the Dominion Government during the years intervening between the termination of the Reciprocity Treaty of 1854 and the execution of the Treaty of Washington. During these years, from 1866 to 1870, the Dominion issued licenses permitting United States fishermen to fish within the three-mile limit upon payment of a fixed tonnage-fee, which, at first, was 50 cents per ton, and was afterward raised to \$1 and then to \$2 per ton.

It appeared in evidence that, at 50 cents per ton, licenses were almost universally taken, and when the fee was increased to \$1, the taking of licenses was reduced about one-half, and that when it reached \$2, hardly any were procured, that amount being a tax too onerous for reasonable profit; and when the licenses were taken, the fee was paid, not as representing the mercantile value of the right, but largely to escape annoyance, litigation, and the uncertainties arising out of the claim of the Canadians to draw lines of exclusion between headlands. The largest number of United States vessels taking out licenses during any of these years was 454, which, at the high average of 70 tons a vessel, would be 31,780 tons. Putting these licenses at the highest point, \$2 per ton, that would make an amount of \$63,560 annually. This indicates what

the Dominion Government was willing to accept as the price of that privilege, and the conviction of the United States fishermen that they could not afford to pay such an amount, and preferred exclusion from the limits to its payment.

The mackerel-fishery is the only one pursued by United States fishermen, to any considerable extent, within Canadian territorial waters. And as to this the evidence seemed to me to show conclusively that only a very small fraction of the mackerel taken in the Gulf of Saint Lawrence or elsewhere adjacent to the British North American possessions has ever been caught within the three-mile zone. Upon a careful review of all the evidence, it is my deliberate opinion that annual interest at 5 per cent. upon the sum which two of the Commissioners have attempted to award far exceeds the commercial value of all the fish drawn from Canadian waters by American fishermen after they are caught and landed upon shore. If it were a simple question how much should be paid for the privilege of fishing within these limits, the result arrived at by the two Commissioners would be an erroneously exaggerated valuation.

But by the terms of the treaty the Commissioners were enjoined, by way of offset, to have regard to the value of the concession of a vested right to import fish and fish-oil duty free into the United States. The direct pecuniary gains, accruing to the Canadians from this concession, were shown to amount to between three hundred thousand and four hundred thousand dollars annually and to be constantly increasing.

I am constrained to believe that the majority of the Commissioners must have wholly disregarded this element in their conclusion, though upon what grounds they did so I am quite unable to conjecture.

Upon the conclusion of the evidence I thought—and in this opinion the eminent counsel associated with me in the conduct of the case fully agreed—that it had been proved conclusively that the mackerel-fishery of the Gulf of Saint Lawrence was so variable that it offered no certainty of profit; that the fishing by United States vessels in Canadian territorial waters was only occasional, and in amount bore but a small proportion to their fishing in the body of the Gulf of Saint Lawrence which is a part of the open sea and free to all mankind, and in the inshore fisheries, which were free to them under the convention of 1818; that the development of the United States coast fishery has offered, and would continue to offer, a more profitable field for the industry and capital of United States fishermen; that the supply of fish from the lakes and the transport of fresh fish far into the interior, were superseding the use of salted mackerel as an article of food; that the markets of the United States had always been, and from the nature of things must continue to be, indispensable to the prosecution of their own fisheries by the Canadians, and that the gain to them by the remission of duties had been between three and four hundred thousand dollars annually and was steadily increasing.

The decision of September 6 having, in the language of Sir Alexander Galt, “eliminated an important part of Her Majesty’s case, so far as that part found a direct claim for compensation,” we felt that if the Commissioners were to be governed by the law and the evidence, they ought not to make any award against the United States, and we are of the same opinion still.

I feel it my duty to say that the result arrived at by a majority of the Commissioners, whether it does or does not constitute a valid award under the treaty, should never be accepted as a valuation of the inshore fisheries, entitled to weight, after the expiration of the period embraced in

the treaty. This is also the opinion of my associates, and I believe it to be the universal opinion of the United States fishermen, fish-dealers, and owners of fishing-vessels. The importance to the Canadians of access to the United States markets is so indispensable, that the control over fish importations will constitute the means of eventually securing to this country an indemnity against any injustice which we may have received in this measure of the value of the inshore fisheries, and of preventing any further exposure to such injustice.

If the United States fishermen in the Gulf of Saint Lawrence had been promptly and fully protected from illegal molestations while exercising the rights enjoyed under the convention of 1818, very little would ever have been heard about the importance to them of fishing in British territorial waters.

You will observe that two of the Commissioners agreed in their estimate of the sum of \$5,500,000 as due by the United States, while the third expressed the opinion that nothing was due by the United States, and that the advantages exchanged were completely equalized by the terms of the treaty itself.

Having no specific instructions for such a contingency, it appeared to me to be my duty to receive this communication simply for transmission, and to preserve for the government of her Britannic Majesty and the United States the right to determine for themselves whether a decision not unanimous on its face was a proper and valid award under the provisions of the treaty.

I venture to hope that my language as recorded in the final protocol will be found apt and sufficient for the purpose.

I desire to bear testimony to the great industry and fidelity with which the counsel of the United States, Hon. Richard H. Dana, jr., and Hon. William Henry Trescot, performed their share of the labor of the trial, and to the thoroughness and ability of their final arguments. It was an unspeakable relief to have the responsibilities devolved upon me shared by such able coadjutors.

I also received important assistance in the preparation of the evidence from F. J. Babson, esq., collector of the port of Gloucester.

The presence at Halifax of Prof. S. F. Baird, United States Fish Commissioner, and his staff of assistants was of great value.

From the time when I was first employed by the government in 1873 down to the end of the sessions of the Commission, I received constant assistance from Judge M. M. Jackson, United States consul at Halifax, who in familiar and thorough knowledge of all questions relating to the fisheries is surpassed by no one, and who in this matter, as in all his other official duties, has represented the interests of his country most faithfully, ably, and honorably.

I have the honor to be, sir, your obedient servant,

DWIGHT FOSTER,

Agent of the United States before the Halifax Commission.

Hon. WILLIAM M. EVARTS,

Secretary of State.

RECORD OF THE PROCEEDINGS OF THE HALIFAX COMMISSION, 1877.

LIST OF APPENDICES.

- A.—Case of Her Britannic Majesty's Government.
- B.—Answer on behalf of the United States of America to the Case of Her Britannic Majesty's Government.
- C.—Brief of the United States upon the question of the extent and limits of the inshore fisheries and territorial waters on the Atlantic Coast of British North America.
- D.—Reply on behalf of Her Britannic Majesty's Government to the answer of the United States of America.
- E.—Documents filed in support of the Case of Her Britannic Majesty's Government.
- F.—British evidence.
- G.—British affidavits.
- H.—Official correspondence showing the encroachments of United States fishermen in British North American waters.
- I.—Newfoundland statistics.
- J.—Arguments of counsel before the Halifax Commission, including the final arguments.
- K.—Brief on behalf of Her Britannic Majesty's Government in reply to the brief for the United States.
- L.—United States evidence.
- M.—United States affidavits.
- N.—Document filed by the counsel for Newfoundland.
- O.—United States statistics.
- P.—Judgments in vice-admiralty court.
- Q.—Testimony in rebuttal on behalf of Her Britannic Majesty's Government.
- R.—Documents filed by United States counsel respecting insurance and shipping papers.

PROTOCOLS OF EACH DAY'S CONFERENCE.

PROTOCOL I.

Record of the proceedings of the Commission appointed under Articles 22 and 23 of the Treaty of Washington, of the 8th of May, 1871, at the first conference held at Halifax, Nova Scotia, on the 15th day of June, 1877.

The conference was convened at the Legislative Council Chamber, at Halifax, in accordance with an arrangement previously made between the three Commissioners.

The Commissioners who were present and produced their respective powers, which were examined and found to be in good and due form, were:

His Excellency Monsieur Maurice Delfosse, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians, at Washington, named by the Ambassador at London, of His Imperial Majesty the Emperor of Austria-Hungary;

The Hon. Ensign H. Kellogg, named by the President of the United States; and

Sir Alexander T. Galt, K. C. M. G., named by Her Britannic Majesty.

The Hon. Dwight Foster attended the conference as Agent of the United States, and Francis Clare Ford, esq., attended as Agent of Her Britannic Majesty.

The Hon. Ensign H. Kellogg then proposed that M. Delfosse should preside over the labors of the mission; and

M. Delfosse having expressed his acknowledgments, assumed the Presidency.

Sir A. T. Galt then requested M. Delfosse to name some suitable person to act as Secretary of the Commission. M. Delfosse named J. H. G. Bergne, esq., of the Foreign Office, London, who accepted the position.

The Commissioners thereupon proceeded to make and subscribe the following solemn declaration, which was read by the Secretary, and signed in duplicate by each of the Commissioners:

"We, the undersigned, namely, His Excellency Monsieur Maurice Delfosse, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians, at Washington, etc., etc., etc., appointed by the Ambassador in London of His Imperial Majesty the Emperor of Austria-Hungary;

"The Honorable Ensign H. Kellogg, etc., etc., etc., appointed by the President of the United States; and

"Sir Alexander Tillock Galt, K. C. M. G., etc., etc., etc., appointed by Her Britannic Majesty;

"Having met at Halifax as Commissioners under Article 22 of the Treaty of Washington of the eighth of May, 1871, to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles 19 and 21 of the said Treaty; the amount of any compensation which, in our opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States, under Article 18 of the said Treaty, do hereby solemnly declare that we will impartially and carefully examine and decide the matters referred to us, to the best of our judgment, and according to justice and equity;

In witness whereof we have hereunto subscribed our names, this fifteenth day of June, one thousand eight hundred and seventy-seven."

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

Mr. Ford then produced his commission as Agent of Her Britannic Majesty, which was found to be in due form. Mr. Foster also produced his commission as Agent of the United States, which was likewise found to be in due form.

Mr. Foster then produced a draft of rules proposed for the procedure of the Commission, which had been submitted to him by Mr. Ford. To these, he said, that in the main he agreed, but took exception to certain of them which contemplated the appearance of counsel on either side, as well as the accredited Agents. He submitted to the Commissioners that no person other than the Agent, on either side, should be permitted to address the court.

Mr. Ford objected to this view, and contended that counsel should be permitted to address the court.

Mr. Foster, in reply, gave his reasons for maintaining his contention.

The Commissioners thereupon retired to deliberate, and on their return M. Delfosse announced the following decision:

"The Commissioners having considered the statements made by the Agents of the respective governments; decide, That each Agent may be heard personally or by counsel, but in the case of the British Agent he shall be limited to five, as representing the Maritime Provinces on the Atlantic coast of British North America; and in the case of the Agent of the United States he shall be allowed a similar number."

Mr. Ford then stated that he desired to raise an important point, viz.: whether *ex parte* affidavits should be admitted as written testimony, under the terms of Article 24 of the Treaty of Washington. He contended that such *ex parte* affidavits should not be admissible before the Commission.

Mr. Foster, on the other hand, contended that such *ex parte* affidavits should be admitted as written testimony, the Commissioners being left to attach to them such value as they might think fit.

Mr. S. R. Thomson, on the part of Great Britain, maintained the views expressed by Mr. Ford on this point.

The Commissioners then retired to deliberate, and on their return, M. Delfosse announced that the Commissioners had decided that affidavits should be admitted.

The Commissioners then again retired for deliberation, and on their return, M. Delfosse stated that the following rules had been adopted for the procedure of the court; and directed them to be read by the Secretary:—

RULES FOR THE PROCEDURE OF THE HALIFAX COMMISSION.

I. When the Commissioners shall have completed all necessary preliminary arrangements, the British Agent shall present a copy of the "Case" of Her Majesty's Government to each of the Commissioners, and duplicate copies to the United States Agent.

II. The court shall thereupon adjourn for a period of six weeks, on the expiration of one-half of which period, the United States Agent shall deliver to the Secretary of the Commission at least twelve copies of the Counter-case of the United States Government. The British Agent shall, three days before the meeting of the court, after such adjournment, deliver to the Secretary of the Commission at least twelve copies of the "Reply" of Her Majesty's Government.

III. The evidence brought forward in support of the British Case must be closed within a period of six weeks after the case shall have been opened by the British counsel, unless a further time be allowed by the Commissioners on application. The evidence brought forward in support of the United States Counter-case must be closed within a similar period, after the opening of the United States Case in answer, unless a further time be allowed by the Commissioners on application. A period of fourteen days shall then be allowed for the evidence in reply on the British side, unless a further time be allowed by the Commissioners on application. But as soon as the evidence in support of the British Case is closed that in support of the United States shall be commenced, and as soon as that is closed the evidence in reply shall be commenced. After which, arguments shall be delivered on the part of the United States, in writing, within a period of ten days, unless a further time be allowed by the Commissioners on application, and arguments in closing on the British side shall be delivered in writing within a further period of ten days, unless a further time be allowed by the Commissioners on application. Then the case on either side shall be considered as finally closed, unless the Commissioners shall direct further arguments upon the especial points, the British Government having in

such case the right of general reply; and the Commissioners shall at once proceed to consider their award. The periods thus allowed for hearing the evidence shall be without counting any days of adjournment that may be ordered by the Commissioners.

IV. The Commissioners shall meet from day to day at the place appointed, unless otherwise adjourned.

V. The Secretary shall keep a record of the proceedings of the Commission upon each day of its session, which shall be read at the next meeting, and signed, after approval, by the Commissioners, the Secretary, and the Agents.

VI. The Secretary shall keep a Notice Book, in which entries may be made by the Agent or Counsel for either Government, and all entries in such book shall be due notice to the opposing Agent or Counsel.

VII. The minutes of proceedings and evidence shall be kept in duplicate, one of which will be delivered to the Agent of each Government at the close of the proceedings.

VIII. One Counsel only shall be allowed to examine a witness, and one Counsel only to cross-examine the same witness, unless otherwise allowed by the Commissioners.

IX. The oral evidence shall be certified by the reporters taking the same.

X. The Secretary will have charge of all the books and papers of the Commission, and no papers shall be withdrawn from the files or taken from the office without an order of the Commission. The Agent or Counsel on either side shall, however, be allowed access to such books and papers for purposes of reference, and at the close of the proceedings books and papers filed shall be returned to the respective parties who may have produced them.

XI. All witnesses shall be examined on oath or solemn affirmation, and *ex parte* affidavits are to be admitted.

XII. The Award shall be made out in duplicate, and copy be presented to respective Agents of the two Governments.

XIII. The Commissioners shall have power to alter, amend, add to, suspend, or annul, any of the foregoing rules as may seem to them expedient during the course of the proceedings.

Mr. Ford then proceeded to name the British Counsel, as follows:

Joseph Doutre, esq., Q. C., of Montreal.

S. R. Thomson, esq., Q. C., of St. John, New Brunswick.

Hon. W. V. Whiteway, of St. John's, Newfoundland.

Hon. Louis H. Davies, of Charlottetown, Prince Edward Island, and

R. L. Wetherbe, esq., Q. C., of Halifax, Nova Scotia.

Mr. Foster stated that he would request permission to name the counsel on the part of the United States, after such adjournment, as might be decided on after the presentation of the "Case" of Her Majesty's Government, which request was acceded to by the Commissioners.

Mr. Ford then presented to each of the Commissioners a copy of the "Case" of Her Majesty's Government, and duplicate copies to the United States Agent, accompanied by a list of the Documents to be filed with the Secretary in support of the "Case." (See Appendix A.)

The Commission thereupon adjourned until the next day, the sixteenth June, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL II.

Record of the proceedings of the Fisheries Commission at the second conference, held at Halifax, Nova Scotia, on the 16th day of June, 1877.

The conference was held pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

The President having directed the Secretary to read the records of the last conference, these were approved, and signed by the Commissioners, the Secretary, and the Agents.

The commission was thereupon adjourned until Saturday, the 28th day of July, at 11 a. m.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL III.

Record of proceedings of the Fisheries Commission at the third conference, held at Halifax, Nova Scotia, on the 28th day of July, 1877.

The Commission met pursuant to adjournment.

The three Commissioners and the Agents of the United States and of Great Britain, respectively, were present.

The Secretary reported that during the adjournment the United States Agent had, in compliance with the second rule adopted for the procedure of the Commission, delivered to him twelve copies of the "Answer on behalf of the United States of America to the Case of Her Britannic Majesty's Government." (Appendix B.)

This "Answer" was accompanied by a "Brief for the United States upon the question of the extent and limits of the inshore fisheries and territorial waters on the Atlantic coast of British North America." (Appendix C.)

Copies of both documents were forwarded by the Secretary on Monday, the 9th July, to each of the Commissioners.

In conformity with the same rule, the British Agent had delivered to the Secretary twelve copies of the "Reply on behalf of Her Britannic Majesty's Government to the Answer of the United States of America." (Appendix D.)

A copy of this document was forwarded by the Secretary to each of the Commissioners, on the 26th day of July.

The Secretary, by direction of the President, then read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster then proceeded to name the counsel retained on behalf of the United States, as follows: Mr. William H. Trescot, of Washington, and Mr. Richard H. Dana, jr., of Boston.

Mr. Foster added that he might possibly, although not probably, name others at a later day.

The Secretary then informed the President that, subject to the approval of the Commissioners, the services of Mr. George B. Bradley,

and of Mr. John A. Lumsden, had been secured as stenographic reporters of the proceedings of the Commission. The Commissioners were pleased to express their approval.

The President next requested the Secretary to record the fact that the proceedings of the Commission would be of a strictly private character.

Mr. Ford then proposed that the sittings of the Commission should, unless otherwise ordered, be held daily, from noon to 4 p. m., Saturday, and Sundays excepted.

Mr. Foster concurred in the proposed arrangement, which was agreed to by the Commissioners, on the understanding that if time were found to press the hours of the daily sittings should be lengthened.

The Commission then adjourned until Monday, the 30th July, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL IV.

Record of the proceedings of the Fisheries Commission at the fourth conference, held at Halifax, Nova Scotia, on the 30th day of July, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster then requested permission to introduce Mr. J. S. D. Thomson, of Halifax, and Mr. Alfred Foster, of Boston, who would attend the Commission to perform such duties on behalf of the United States as might be assigned to them. He added that Mr. Henry A. Blood, of Washington, would also attend to render clerical assistance.

Mr. S. R. Thomson, rising to open the case of Her Britannic Majesty's Government, stated that he proposed to commence by reading the printed "Case" submitted to the Commissioners on behalf of Her Britannic Majesty's Government.

This he proceeded to do, and the documents therein referred to were read in due order by the Secretary. These will be found in a collective form in Appendix E.

Mr. Foster then proceeded to read the "Answer on behalf of the United States of America to the Case of Her Britannic Majesty's Government," printed copies of which had already been submitted to the Commissioners. He stated, however, that such reading formed no part of his opening, in course of which he proposed to quote extracts from the "Answer."

The reading of the "Answer" was unfinished at 4 p. m., when the Commission adjourned till next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL V.

Record of the proceedings of the Fisheries Commission at the fifth conference, held at Halifax, Nova Scotia, on the 31st day of July, 1877.

The conference met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The Secretary next read an entry which had been made in the notice-book by the United States Agent, requesting the production of certain documents.

Mr. Foster then continued the reading of the "Answer on behalf of the United States of America to the Case of Her Britannic Majesty's Government," on the conclusion of which, Mr. S. R. Thomson read "The Reply on behalf of Her Britannic Majesty's Government to the Answer of the United States of America."

The Secretary read in due order "The Instructions to Her Majesty's High Commissioners, and Protocols of Conferences held at Washington between February 27 and May 6, 1871, so far as this paper relates to the fisheries." (No. 15, Appendix E.)

Mr. S. R. Thomson, on concluding the reading of the "Reply," said that the "Case of Her Majesty's Government," the "Answer of the United States," and the "Reply of Her Majesty's Government" having now been read, he would leave the case, as brought out in evidence, in the hands of the Commissioners, who, he was confident, would carefully and impartially decide upon it. By arriving at a fair and equitable decision they would remove a source of irritation between Great Britain and the United States, and earn a lasting title to the gratitude of two great and friendly nations.

The Commission then proceeded to take evidence in support of the "Case of Her Britannic Majesty's Government."

Simon Chivirie, a fisherman, residing at Souris, Prince Edward Island, was called, and gave evidence on oath on matters connected with the inquiry. (No. 1, Appendix F.)

The Commission adjourned at 4 p. m. until the following day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL VI.

Record of the proceedings of the Fisheries Commission at the sixth conference, held at Halifax, Nova Scotia, on the 1st day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Simon Chivirie, of Souris, Prince Edward Island, was resumed by Mr. Davies.

Mr. Foster cross-examined the witness.

Mr. James R. Maclean, of Souris, merchant, a member of the legislative assembly of Prince Edward Island, was called, and gave evidence on oath on matters connected with the inquiry. (No. 2, Appendix F.)

The witness was cross-examined by Mr. Dana.

The Commission adjourned at 4 p. m. until next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL VII.

Record of the proceedings of the Fisheries Commission at the seventh conference, held at Halifax, Nova Scotia, on the 2d day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. James R. Maclean was resumed by Mr. Dana.

Mr. John F. Champion, of Souris, Prince Edward Island, a trader principally in fish, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 3, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Joseph Campbell, of Souris, Prince Edward Island, a fisherman by trade, was called, and gave evidence on oath on matters connected with the inquiry. (No. 4, Appendix F.)

The witness was examined by Mr. Davies.

The Commission adjourned at 4 p. m. until the following day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL VIII.

Record of the proceedings of the Fisheries Commission at the eighth conference, held at Halifax, Nova Scotia, on the 3rd day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Joseph Campbell was resumed by Mr. Davies.

The witness was cross-examined by Mr. Dana.

Mr. William S. McNeil, of Rustico, Prince Edward Island, a justice of the peace, and formerly a member of the local legislature, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 5, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Stanislaus F. Perry (or Poirier), of Tignish, Prince Edward Island, a member of the Dominion House of Commons, a farmer, mill-owner, and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 6, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. Joseph Campbell was recalled and re-examined by Mr. Dana.

Mr. Davies then read affidavits made relative to the present inquiry by—

Mr. Alexander W. MacNeil, of Cavendish, Prince Edward Island, a justice of the peace, farmer, and fisherman (No. 1, Appendix G), and by Mr. Hugh John Montgomery, of New London, Prince Edward Island, merchant (No. 2, Appendix G).

The Commission adjourned till Monday, the 6th day of August, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGE.

PROTOCOL IX.

Record of the proceedings of the Fisheries Commission at the ninth conference, held at Halifax, Nova Scotia, on the 6th day of August, 1877.

The Commission met at noon pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The Secretary then reported that the services of Mr. Benjamin Russell had been secured as an additional short-hand reporter, and the President expressed his approval.

The Secretary next requested permission to withdraw from the archives the affidavits filed with him, for the purpose of printing them at convenient periods. This permission was granted.

M. George William Howlan, of Cascumpec, Prince Edward Island, a senator of the Dominion of Canada, formerly a member of the executive council of Prince Edward Island, and consular agent of the United States at Cascumpec, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (Appendix F, No. 7.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Trescot.

Mr. R. S. Thomson then proceeded to read affidavits made by the following persons on matters connected with the inquiry :

Mr. John D. White, of Alberton. (No. 3, Appendix G.)
 Mr. Sylvain F. Arsineaux, of Tignish. (No. 4, Appendix G.)
 Mr. Alexander Francis Larkin, of Nail Pond. (No. 5, Appendix G.)
 Mr. James Conroy, of Kildare. (No. 6, Appendix G.)
 Mr. James F. White, of Alberton. (No. 7, Appendix G.)
 Mr. Meddie Gallant, of Big Mimnigast. (No. 8, Appendix G.)
 Mr. James Skerry, of Cascumpec. (No. 9, Appendix G.)
 Mr. John Champion, of Cascumpec. (No. 10, Appendix G.)
 Mr. Sebastian Davidson, of Tignish. (No. 11, Appendix G.)
 Mr. William Champion, of Cascumpec. (No. 12, Appendix G.)
 Mr. James McDonald, of East Point. (No. 13, Appendix G.)
 Mr. James H. Davidson, of Tignish. (No. 14, Appendix G.)
 Mr. Joseph Campbell, of Souris. (No. 15, Appendix G.)
 Mr. Alexander Chivirie, of Souris. (No. 16, Appendix G.)
 Mr. James F. Morrisay, of Tignish. (No. 17, Appendix G.)
 The Commission adjourned at 4 p. m. until next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL X.

Record of the proceedings of the Fisheries Commission at the tenth conference, held at Halifax, Nova Scotia, on the 7th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Weatherbe proceeded to read a collection of "Official correspondence from the years 1827 to 1872, inclusive, showing the encroachments of United States fishermen in British North American waters since the conclusion of the convention of 1818." (Appendix H.)

Mr. S. R. Thomson then read affidavits made by the following persons, on matters connected with the inquiry :

Mr. E. Hackett, of Tignish. (No. 18, Appendix G.)
 Mr. M. O'Connor, of Kildare Cape. (No. 19, Appendix G.)
 Mr. Alexander Larkin, of Alberton. (No. 20, Appendix G.)
 Mr. Gilbert Perry, of Frog Pond. (No. 21, Appendix G.)
 Mr. A. J. Gaudet, of Nail Pond. (No. 22, Appendix G.)
 Mr. William S. Larkin, of Nail Pond. (No. 23, Appendix G.)
 Mr. Michael Foley, of Alberton. (No. 24, Appendix G.)
 Mr. Marshal Pacquet, of Souris. (No. 25, Appendix G.)
 Mr. Peter Deagle, of Kollo Bay. (No. 26, Appendix G.)
 Mr. Samuel Prowse, of Murray Harbor. (No. 27, Appendix G.)
 Mr. Daniel McPhee, of Big Pond. (No. 28, Appendix G.)

Mr. Malcolm McFayden, of Murray Harbor. (No. 29, Appendix G.)
 Mr. Charles W. Dunn, of Murray Harbor. (No. 30, Appendix G.)
 Mr. James Howlett, of Georgetown. (No. 31, Appendix G.)
 Mr. John Graham, of Cavendish. (No. 32, Appendix G.)
 Mr. John R. McDonald, of St. Margaret's. (No. 33, Appendix G.)
 Mr. Colin McKenzie, of French River, New London. (No. 34, Appendix G.)

Mr. Alphonse Gilman, of Malpeque. (No. 35, Appendix G.)

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XI.

Record of the proceedings of the Fisheries Commission at the eleventh conference, held at Halifax, Nova Scotia, on the 8th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners the Secretary, and the Agents.

Mr. George Harbour, of Sandy Beach, Gaspé, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 8, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Foster.

Mr. William Sinnett, of Griffin's Cove, Gaspé County, a fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 9, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Dana.

Mr. Gregoire Grigny, of Newport, Gaspé County, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 10, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Foster.

Mr. William McLeod, of Port Daniel, in the county of Gaspe, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 11, Appendix F.)

The witness was examined by Mr. S. R. Thomson.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XII.

Record of the proceedings of the Fisheries Commission at the twelfth conference, held at Halifax, Nova Scotia, on the 9th day of August, 1877.

The Commission met according to appointment.

The three Commissioners, and the Agents of Great Britain and of the United States, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. William McLeod was resumed by Mr. S. R. Thomson.

The witness was cross-examined by Mr. Dana.

Mr. Philip Vibert, of Percé, in the county of Gaspé, a general insurance and commission agent, Lloyd's agent, and formerly high sheriff for the county of Gaspé, was called, and gave evidence on oath on matters connected with the inquiry. (No. 12, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Foster.

Mr. Weatherbe then proceeded to read affidavits made on matters connected with the inquiry by the following persons:

Mr. E. Marshall, of the Island of Anticosti. (No. 36, Appendix G.)

Mr. James A. Nickerson, of Margaret's Bay. (No. 37, Appendix G.)

Mr. J. L. Ingraham, of North Sydney. (No. 38, Appendix G.)

Mr. Foster then read the following statement:

"Referring to page 20 of the 'Answer on behalf of the United States,' and to Chapter VI of the 'Reply on behalf of Her Majesty's Government,' thereto, the Agent of the United States desires to state that upon an examination of the full text of the correspondence and instructions referred to therein, which have been kindly furnished to him by the Agent of Her Majesty's Government, it appears to be true, as asserted in the 'Reply,' that the offer cited in the 'Answer' was a part of a general proposition as to commercial relations. The 'Answer' was prepared without access to the original documents since furnished, and referred only to the letter of Sir Henry Bulwer, and the extract therein inclosed, which conveyed to the mind of the Agent of the United States the suggestion of an alternative negotiation, the one contemplating a general reciprocity, the other an arrangement confined to the fisheries, and proposing a narrower equivalent.

"An obvious error of citation also arose in copying or printing, which escaped attention in reading the proof."

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XIII.

Record of the proceedings of the Fisheries Commission at the thirteenth conference, held at Halifax, Nova Scotia, on the 10th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

The Secretary, by direction of the President, read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. John James Fox, of Amherst, Magdalen Islands, collector of customs, registrar of shipping, and overseer of fisheries, was called, and gave evidence on oath on matters connected with the inquiry. (No. 13, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Dana.

Mr. S. R. Thomson and Mr. Doutre then proceeded to read affidavits made on matters connected with the inquiry by the following persons:

M. John J. McPhee, of Big Pond, P. E. I. (No. 39, Appendix G.)

Mr. James McDonald, of Chepstow. (No. 40, Appendix G.)

M. James Nowlan, of Souris, P. E. I. (No. 41, Appendix G.)

Mr. John G. McNeil, of North Rustico, P. E. I. (No. 42, Appendix G.)

Mr. George McKenzie, of French River, P. E. I. (No. 43, Appendix G.)

The Commission then adjourned till Monday, the 13th day of August, at 11 a. m.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XIV.

Record of the proceedings of the Fisheries Commission at the fourteenth conference, held at Halifax, Nova Scotia, on the 13th day of August, 1877.

The Commission met at 11 a. m., pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. George McKenzie, of New London, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 14, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Thomas Roberts Bennett, judge of the district court at Harbor Grace, Newfoundland, was called, and gave evidence on oath on matters connected with the inquiry. (No. 15, Appendix F.)

The witness was examined by Mr. Whiteway.

The Commission adjourned at 2 p. m. until the following day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XV.

Record of the proceedings of the Fisheries Commission at the fifteenth conference, held at Halifax, Nova Scotia, on the 14th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. T. R. Bennett was resumed by Mr. Whiteway.

The witness was cross-examined by Mr. Dana.

Mr. William Killigrew, of Saint John's, Newfoundland, merchant, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 16, Appendix F.)

The witness was examined by Mr. Whiteway.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XVI.

Record of the proceedings of the Fisheries Commission at the sixteenth conference, held at Halifax, Nova Scotia, on the 15th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. W. Killigrew was resumed by Mr. Whiteway.

The witness was cross-examined by Mr. Foster.

Mr. James Oliphant Fraser, of the board of works department, Saint John's, Newfoundland, was next called, and gave evidence on oath, on matters connected with the inquiry. (No. 17, Appendix F.)

The witness was examined by Mr. Whiteway, and cross-examined by Mr. Dana.

The Commission then adjourned till the following day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XVII.

Record of the proceedings of the Fisheries Commission at the seventeenth conference, held at Halifax, Nova Scotia, on the 16th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Angus Grant, of Port Hawkesbury, in the Strait of Canso, a merchant, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 18, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. James McKay, deputy inspector of fish, at Port Mulgrave, in the Strait of Canso, a fisherman, was next called and gave evidence on oath on matters connected with the inquiry. (No. 19, Appendix F.)

The witness was examined by Mr. S. R. Thompson. No cross-examination was desired.

Mr. James Purcell, of Port Mulgrave, Strait of Canso, a revenue officer and collector of light dues, formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 20, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XVIII.

Record of the proceedings of the Fisheries Commission at the eighteenth conference, held at Halifax, Nova Scotia, on the 17th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Captain E. Hardinge, C. B., R. N., aid-de-camp to Her Majesty the Queen, was called, and gave evidence on oath on matters connected with the inquiry. (No. 21, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. John Nicholson, of Louisburg, Cape Breton, a fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 22, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Dana.

Mr. John Maguire, of Steep Creek, Strait of Canso, a trader, was called, and gave evidence on oath on matters connected with the inquiry. (No. 23, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Foster.

Mr. Weatherbe then proceeded to read an affidavit made relative to the present inquiry by Mr. Peter Paint, sr., of Port Hawkesbury. (No. 44, Appendix G.)

Mr. William Brown, of Port Medway, Nova Scotia, a fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 24, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. Weatherbe then read affidavits made relative to the present inquiry by the following persons :

Mr. George C. Lawrence, of Port Hastings, Nova Scotia. (No. 45, Appendix G.)

Mr. James B. Hadley, of Port Mulgrave, Nova Scotia. (No. 46, Appendix G.)

Mr. Michael Crispo, of Harbor-au-Bouche, in Nova Scotia. (No. 47, Appendix G.)

The Commission adjourned at 4 p. m. till Monday, the 20th day of August, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGE.

PROTOCOL XIX.

Record of the proceedings of the Fisheries Commission at the nineteenth conference, held at Halifax, Nova Scotia, on the 20th day of August, 1877.

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James W. Bigelow, of Wolfville, Nova Scotia, a merchant, and formerly United States consular agent at Cape Canso, was called, and gave evidence on oath on matters connected with the inquiry. (No. 25, Appendix F.)

The witness was examined by Mr. Weatherbe and cross examined by Mr. Foster.

Mr. John Stapleton, of Port Hawkesbury, hotel-keeper, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 26, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. Michael Wrayton, of Barrington, Nova Scotia, ice-merchant, was

next called, and gave evidence on oath on matters connected with the inquiry. (No. 27, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Daniel C. Stuart, of Halifax, Nova Scotia, hotel-keeper, and formerly captain of a merchant-ship, was called, and gave evidence on oath on matters connected with the inquiry. (No. 28, Appendix F.)

The witness was examined by Mr. Weatherbe. No cross-examination was desired.

Mr. Whiteway then proceeded to read affidavits made relative to the present inquiry by the following persons:

Mr. Robert S. Munn, of Harbor Grace, Newfoundland. (No. 48, Appendix G.)

Mr. James S. Hayward, of St. John's, Newfoundland. (No. 49, Appendix G.)

(For table, see Appendix I.)

Mr. James S. Hayward, of St. John's, Newfoundland. (No. 50, Appendix G.)

Mr. J. J. Rogerson, of St. John's, Newfoundland. (No. 51, Appendix G.)

Mr. Joseph P. Deneff, of St. John's, Newfoundland. (No. 52, Appendix G.)

Mr. William H. Mulloy, of Gloucester, Mass. (No. 53, Appendix G.)

Mr. George Rose, of Little Bay, Newfoundland. (No. 54, Appendix G.)

Mr. John Evans, of English Harbor, Newfoundland. No. 55, Appendix G.)

Mr. John Rose, of Belloram, Newfoundland. (No. 56, Appendix G.)

Mr. Philip Hubert, of Harbor Breton, Newfoundland. (No. 57, Appendix G.)

Mr. George J. R. Snellgrove, of Saint Jacques, Newfoundland. (No. 58, Appendix G.)

Mr. Henry Giovanninni, of Rencontre, Newfoundland. (No. 59, Appendix G.)

Mr. James P. Snook, of Fortune, Newfoundland. (No. 60, Appendix G.)

Mr. William G. Bennett, of Fortune, Newfoundland. (No. 61, Appendix G.)

Mr. Samuel G. Hickman, of Grand Bank, Newfoundland. (No. 62, Appendix G.)

Mr. Henry Benning, of Lamalin, Newfoundland. (No. 63, Appendix G.)

Mr. James Reeves, of Saint Lawrence, Newfoundland. (No. 64, Appendix G.)

Mr. Hugh Vavasor, of Saint Lawrence, Newfoundland. (No. 65, Appendix G.)

Mr. Thomas Winter, of Burin, Newfoundland. (No. 66, Appendix G.)

Mr. Philip Pine, of Burin Bay, Newfoundland. (No. 67, Appendix G.)

Mr. William Collins, of Burin, Newfoundland. (No. 68, Appendix G.)

Mr. Owen Pine, of Burin Bay, Newfoundland. (No. 69, Appendix G.)

Mr. Richard Paul, of Burin Bay, Newfoundland. (No. 70, Appendix G.)

Mr. Francis Berteaux, of Burin, Newfoundland. (No. 71, Appendix G.)

Mr. Richard McGrath, of Oderin, Newfoundland. (No. 72, Appendix G.)

Mr. Henry Pennell, of Trepany, Newfoundland. (No. 73, Appendix G.)

Mr. Patrick Leary, of Renews, Newfoundland. (No. 74, Appendix G.)

Mr. Garrett Jackman, of Renews, Newfoundland. (No. 75, Appendix G.)

Mr. John White, of Ferryland, Newfoundland. (No. 76, Appendix G.)

Mr. Robert Morry, of Caplin Bay, Newfoundland. (No. 77, Appendix G.)

Mr. Peter Winser, of Aquaforte, Newfoundland. (No. 78, Appendix G.)

Mr. Richard Cashen, of Cape Broyle, Newfoundland. (No. 79, Appendix G.)

The Commission adjourned at 4 p. m. until the following day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XX.

Record of the proceedings of the Fisheries Commission at the twentieth conference, held at Halifax, Nova Scotia, on the 21st day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Weatherbe read affidavits made relative to the present inquiry by the following persons :

Mr. Thomas C. Roberts, of Cape Canso, Nova Scotia. (No. 80, Appendix G.)

Mr. James S. Richard, of Getson's Cove, Nova Scotia. (No. 81, Appendix G.)

Mr. Jacob Groser, of Lower La Have, Nova Scotia. (No. 82, Appendix G.)

Mr. Nathaniel Gost, of Lunenburg Town, Nova Scotia. (No. 83, Appendix G.)

Mr. Charles Smith, of Lunenburg Town, Nova Scotia. (No. 84, Appendix G.)

Mr. Benjamin Wentzler, of Lower Harbor, Nova Scotia. (No. 85, Appendix G.)

Mr. George Conrad, of South Village, Nova Scotia. (No. 86, Appendix G.)

Mr. Geoffrey Cook, of Rose Bay, Nova Scotia. (No. 87, Appendix G.)

Mr. Daniel Getson, of Getson's Cove, Nova Scotia. (No. 88, Appendix G.)

Mr. D. Riser, of Rose Bay, Nova Scotia. (No. 89, Appendix G.)

Mr. James W. Spearwater, of New Dublin, Nova Scotia. (No. 90, Appendix G.)

Mr. William A. Zwicker, of Lunenburg Town, Nova Scotia. (No. 91, Appendix G.)

Mr. Isaac Lohnes, of Middle La Have, Nova Scotia. (No. 92, Appendix G.)

Mr. James McLean, of Letite, county of Charlotte, in New Brunswick, merchant, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 29, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. James Lord, of Deer Island, Charlotte County, New Brunswick, a fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 30, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Dana.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXI.

Record of the proceedings of the Fisheries Commission at the twenty-first conference, held at Halifax, Nova Scotia, on the 22d day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Walter B. McLaughlin, of Grand Manan, in the Bay of Fundy, light-keeper, fishery overseer, and county counsellor for Charlotte County, was called and gave evidence on oath, on matters connected with the enquiry. (No. 31, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Whiteway then read affidavits made relative to the present enquiry, by the following persons:

Mr. Lawrence Fortune, of Toad's Cove, Newfoundland. (No. 93, Appendix G.)

Mr. Thomas Carew, of Shore's Cove, Cape Broyle, Newfoundland. (No. 94, Appendix G.)

Mr. Charles J. Barnes, of St. John's, Newfoundland. [(No. 95, Appendix G.)

Mr. Philip Grouchy, of Pouch Cove, Newfoundland. (No. 96, Appendix G.)

Mr. William Tulk, of Portugal Cove, Newfoundland. (No. 97, Appendix G.)

Mr. James Picot, of Portugal Cove, Newfoundland. (No. 98, Appendix G.)

Mr. Daniel Tucker, of Broad Cove, Newfoundland. (No. 99, Appendix G.)

Mr. Philip Lewis, of Holyrood, Newfoundland. (No. 100, Appendix G.)

Mr. Edward O'Brien, of Cat's Cove, Newfoundland. (No. 101, Appendix G.)

Mr. Edward Wade, of Cat's Cove, Newfoundland. (No. 102, Appendix G.)

Mr. George Butler, of Northern Gut, Newfoundland. (No. 103, Appendix G.)

Mr. Stephen Parsons, of Bay Roberts, Newfoundland. (No. 104, Appendix G.)

Mr. John Barrett, of Spaniard's Bay, Newfoundland. (No. 105, Appendix G.)

Mr. Alfred Hopkins, of Heart's Content, Newfoundland. (No. 106, Appendix G.)

Mr. Thomas Newhook, of New Harbor, Newfoundland. (No. 107, Appendix G.)

Mr. Edward Morse, of Dildo, Newfoundland. (No. 108, Appendix G.)

Mr. Alexander McKay, of North Sydney, Nova Scotia. (No. 109, Appendix G.)

Mr. James McLeod, of Gabaras, Nova Scotia. (No. 110, Appendix G.)

Mr. William Nearing, of Main-a-Dieu, Nova Scotia. (No. 111, Appendix G.)

Mr. Thomas Lahey, of Main-a-Dieu, Nova Scotia. (No. 112, Appendix G.)

Mr. Daniel Goodwin, of Cape Canso, Nova Scotia. (No. 113, Appendix G.)

The Commission adjourned at 4 p. m. till next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXII.

Record of the proceedings of the Fisheries Commission at the twenty-second conference, held at Halifax, Nova Scotia, on the 23d day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Thomas Savage, of Cape Cove, Gaspé, merchant and ship-owner, a member of the local legislature for the Gulf Division, was called, and gave evidence on oath on matters connected with the inquiry. (No. 32, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Dana.

Mr. James Baker, of Cape Cove, Gaspé, a trader and fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 33, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. James Jessop, of Newport, Gaspé, a builder and farmer, and formerly a fisherman, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 34, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. William Flynn, of Percé, county of Gaspé, customs officer and secretary and treasurer of the county, was called, and gave evidence on oath on matters connected with the inquiry. (No. 35, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Josef Conteur, of Cape Despair, Gaspé, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 36, Appendix F.)

The witness was examined in French by Mr. Doutre, who translated the replies.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXIII.

Record of the proceedings of the Fisheries Commission at the twenty-third conference, held at Halifax, Nova Scotia, on the 24th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. T. J. LaMontaigne, of St. Anne des Monts, in the county of Gaspé, a merchant, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 37, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Trescot.

Mr. John Short, of the village of Gaspé, representative of the county in the Dominion Parliament, and formerly sheriff of the county, engaged in the fishing business, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 38, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Josef. O. Sirois, of Grande Rivieré, in the county of Gaspé, a merchant, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 39, Appendix F.)

The witness was examined in French by Mr. Doutre, who translated the replies.

Mr. A. Lebrun, of Percé, in the county of Gaspé, a fish merchant, was

called, and gave evidence on oath on matters connected with the inquiry. (No. 40, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Louis Roy, of Cape Chatte, in the county of Gaspé, a fish merchant, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 41, Appendix F.)

The witness was examined by Mr. Doutre. No cross-examination was desired.

Mr. S. R. Thomson then read affidavits made relative to the present inquiry by the following persons:

Mr. William Kelly, of Lingan, Cape Breton. (No. 114, Appendix G.)

Mr. Isaac Archibald, of Cow Bay, Cape Breton. (No. 115, Appendix G.)

Mr. Joseph Dobson, of South Sidney, Cape Breton. (No. 116, Appendix G.)

Mr. John Peach, of Cow Bay, Cape Breton. (No. 117, Appendix G.)

Mr. James Fraser, of South Bar, Cape Breton. (No. 118, Appendix G.)

Mr. John Ferguson, of Cow Bay, Cape Breton. (No. 119, Appendix G.)

Mr. John Murphy, of Lingan, Cape Breton. (No. 120, Appendix G.)

Mr. Angus Matheson, of South Sydney, Cape Breton. (No. 121, Appendix G.)

Mr. William H. Sweet, of Fall River, Mass., U. S. A. (No. 122, Appendix G.)

Mr. James Archibald, of Boston, Mass., U. S. A. (No. 123, Appendix G.)

Mr. Richard Thomas, of Booth Bay, Maine, U. S. A. (No. 124, Appendix G.)

Mr. John R. Hamilton, of New Carlisle, Province of Quebec. (No. 125, Appendix G.)

Mr. Baptiste Coutoure, of Grande River, county of Gaspé. (No. 126, Appendix G.)

Mr. Edward G. Hall, of New Carlisle, Province of Quebec. (No. 127, Appendix G.)

Mr. William E. Gardiner, of Louisburg, Cape Breton. (No. 128, Appendix G.)

The Commission adjourned at 4 p. m. until Monday, the 27th day of August, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXIV.

Record of the proceedings of the Fisheries Commission at the twenty-fourth conference, held at Halifax, Nova Scotia, on the 27th day of August, 1877.

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. John F. Taylor, of Isaac's Harbor, county of Guysborough, Nova Scotia, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 42, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Foster then requested permission to examine as witnesses on behalf of the United States two or three captains of United States fishing-vessels at present in Halifax Harbor. This he desired to do during the course of the day's proceedings, in case the witnesses might be obliged to leave the port.

This permission was granted.

Mr. James Eisenhauer, of Lunenburg Town, a fish merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 43, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. James Bradley, of Newburyport, Mass., U. S. A., a fisherman, was called on behalf of the United States, and gave evidence on oath on matters connected with the inquiry. (No. 1, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Edward Stapleton, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 2, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe and by Mr. Whiteway, by joint consent, with regard to Newfoundland.

Mr. George Romeril, of Percè, agent of Messrs. Charles Robins & Co., was called, and gave evidence on oath on matters connected with the inquiry. (No. 44, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

The Commission adjourned at 5.30 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXV.

Record of the proceedings of the Fisheries Commission at the twenty-fifth conference, held at Halifax, Nova Scotia, on the 28th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. William Macdonnell, of Argyle, Yarmouth County, Nova Scotia, a trader, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 45, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. John Holliday, of the city of Quebec, a partner in the firm of A. Fraser & Co., fish-merchants, was called, and gave evidence on oath on matters connected with the inquiry. (No. 46, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Davies then read affidavits made relative to the present inquiry by the following persons:

Mr. Philip L. Montais, of Arichat. (No. 129, Appendix G.)

Mr. Christopher Smyth, of Port Hood. (No. 130, Appendix G.)

Mr. John Ingham Brand, of Pubnico. (No. 131, Appendix G.)

Mr. Edward Hirtle, of Lunenburg Town. (No. 132, Appendix G.)

Mr. Rufus Riser, of Rose Bay, county of Lunenburg. (No. 133, Appendix G.)

Mr. John Morien, of Port Medway. (No. 134, Appendix G.)

Mr. John Smeltzer, of Lunenburg Town. (No. 135, Appendix G.)

Mr. Elias Richards, of Getson's Cove, county of Lunenburg. (No. 136, Appendix G.)

Mr. James Getson, of Getson's Cove, county of Lunenburg. (No. 137, Appendix G.)

Mr. James Publicover, of New Dublin, county of Lunenburg. (No. 138, Appendix G.)

Mr. Donald McDonald, of Main-a-Dieu, Cape Breton. (No. 139, Appendix G.)

Mr. John Bagnall, of Gabarus, Cape Breton. (No. 140, Appendix G.)

Mr. Peter Bosdet, of West Arichat, Nova Scotia. (No. 141, Appendix G.)

Mr. James Marmean, of Arichat, Nova Scotia. (No. 142, Appendix G.)

Mr. David Grouchy, of Descousse, Nova Scotia. (No. 143, Appendix G.)

Mr. Isidore Leblanc, of Arichat, Nova Scotia. (No. 144, Appendix G.)

Mr. Bryan Murphy, of Port Hood. (No. 145, Appendix G.)

Mr. Simon Ferris, of West Arichat, Nova Scotia. (No. 146, Appendix G.)

Mr. William Creighton, of West Arichat, Nova Scotia. (No. 147, Appendix G.)

Mr. Isaac Levesconte, of Arichat, Nova Scotia. (No. 148, Appendix G.)

Mr. William Wentzell, of Moose Harbor. (No. 149, Appendix G.)

Mr. Pardon Gardner, of Port Mouton. (No. 150, Appendix G.)

Mr. George McLeod, of Brooklyn, Queens County. (No. 151, Appendix G.)

Mr. John Lloyd, of Port Mouton. (No. 152, Appendix G.)

Mr. J. McDonald, of Port Jollie, Queens County. (No. 153, Appendix G.)

Mr. William Frehel, of Arichat. (No. 154, Appendix G.)

Mr. Philip Diggon, of Port Medway. (No. 155, Appendix G.)

Mr. Michael McDonald, of Whitehaven, county of Guysboro. (No. 156, Appendix G.)

Mr. George Murphy, of Port Hood. (No. 157, Appendix G.)

Mr. James Phelan, of Arichat, Nova Scotia. (No. 158, Appendix G.)

Mr. Trescot then stated that he desired to make a motion for the consideration of the Commissioners, which he read in the following terms :

MR. PRESIDENT AND GENTLEMEN OF THE COMMISSION : As the time is now approaching when the evidence in support of the British case will be closed, and we will be required to open the testimony in behalf of the United States, we would ask leave to make a slight change in the order of our proceeding, as it has been at present arranged.

According to the present arrangement it will be our duty to open our case in advance of the testimony, by laying before you the general scheme of our argument, and indicating the points upon which evidence will be submitted in its support.

The character of the testimony which has been now submitted in support of the British case, and the tenor of that which we will offer (as may be inferred from the evidence of the two witnesses whom we were allowed to examine out of order), have impressed us with the conviction that a practical discussion of the real issues will be more certainly secured, and the time and patience of the Commission will be more wisely economized, if we are allowed to submit such views as it may be our duty to maintain, at the close instead of in advance of the examination of witnesses.

As we understand the wish of both governments to be that the whole discussion shall be as frank and full as possible, it has occurred to us that you might be disposed to allow us to adopt such an arrangement as would in our judgment best enable us to lay before you a complete presentment of the opinions of the government we represent. And we feel more assured in that opinion as this privilege deprives counsel on the other side of no advantage which they now possess. For besides the right to reply to the printed argument, which they now have, we would of course expect that they would also be allowed the right of oral reply if they desired to exercise it.

An opening speech is not necessary, as the counsel for the other side have shown, but it would be obviously improper to submit this case without a careful review of the testimony which will have been offered on both sides. And this can be done with more convenience and thoroughness by an oral speech than by a written argument. To say all that it may be our duty to say in a printed argument would be impossible without swelling it into a volume of unreadable proportions.

It is our purpose to make the printed argument a complete but concise summary of the contention, a clear statement of the principles involved, and the authorities referred to, accompanied by an analysis of the leading facts of the testimony. This we can do, so as to make it an efficient help to you in your own examination of the case, if we are not compelled to overload it with all the discussion which the evidence and the case itself suggest, but which we would sufficiently dispose of in oral argument.

We would therefore request permission so to distribute the argument on our side as to have the opportunity of submitting our views orally, upon full comparison of all the testimony taken. It is no small inducement to make this request that we believe that upon the close of the testimony we will be able to dispense with much argument which we can scarcely avoid in the present imperfect condition of the testimony.

Respectfully,

RICH. H. DANA, JR.,
WM. HENRY TRESCOT,
Counsel for United States.

Mr. Foster supported the application.

Mr. Doutre stated that the matter should receive consideration, and requested permission to defer giving a definite answer until the next meeting.

The Commission then adjourned till the following day at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XXVI.

Record of the proceedings of the Fisheries Commission at the twenty-sixth conference, held at Halifax, Nova Scotia, on the 29th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James A. Tory, of Guysborough, Nova Scotia, customs officer, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 47, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. S. B. Thomson then rose to reply to the motion made at the last conference by Mr. Trescot. He stated that the British Agent was willing to consent to the following arrangement with regard to the point in question, namely, that if the United States counsel desired to make oral arguments in closing, these must be submitted simultaneously with the written arguments on the United States side required by the rules adopted for the procedure of the Commission; after which it should be competent for the British side to reply both orally and in writing, if both methods of reply were desired by them.

Mr. Trescot, in reply, said that the proposal of Mr. Thomson did not meet the approval of the counsel of the United States, inasmuch as the object of their motion was to have the oral reply of the British counsel to their oral arguments, then to file the United States printed argument, leaving to the British counsel their right of final printed reply to the printed argument of the United States. What they desired was a full statement of the case as regarded by the British counsel, and Mr. Thomson's proposal did not accomplish that; which they deemed a fair request.

Mr. S. R. Thomson replied, and Mr. Dana, Mr. Foster, and Mr. Doutre subsequently addressed the Commissioners. (See Appendix J.)

At the conclusion of the debate, Mr. Trescot handed in the following amendment which he proposed should be made in Rule III:

"Ordered by the Commissioners, That the third paragraph of the third rule shall be amended by inserting after the words 'the evidence in reply shall be commenced' the following: 'when the whole evidence is concluded, either side may, if desirous of doing so, address the Commissioners orally, the British government having the right of reply.'"

The President then announced that the Commissioners would take the matter into consideration and give an early decision upon it.

Mr. Robert MacDougall, of Port Hood, high sheriff of the county of Inverness, in Cape Breton, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 48, Appendix F.)

The witness was examined by M. Weatherbe and cross-examined by Mr. Foster.

Mr. Weatherbe then read affidavits made relative to the present inquiry by the following persons:

Mr. J. E. Robinson, of Griffin's Cove, Province of Quebec. (No. 159, Appendix G.)

Mr. Daniel West, of Grand Greve, Province of Quebec. (No. 160, Appendix G.)

Mr. Michael McInnes, of Port Daniel, Province of Quebec. (No. 161, Appendix O.)

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXVII.

Record of the proceedings of the Fisheries Commission at the twenty-seventh conference, held at Halifax, Nova Scotia, on the 30th day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Dr. Pierre Fortin, M. D., of the city of Quebec, a member of the legislative assembly of the Province of Quebec, and formerly commander of a Canadian cruiser employed in the protection of the fisheries, was called, and gave evidence on oath on matters connected with the inquiry. (No. 49, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Dana.

Mr. James Hickson, of Bathurst, fishery overseer for the county of Gloucester, New Brunswick, was called, and gave evidence on oath on matters connected with the inquiry. (No. 50, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Enos Gardner, of Tusket, in the county of Yarmouth, Nova Scotia, fishery overseer, and clerk of the peace for the county, was called, and gave evidence on oath on matters connected with the inquiry. (No. 51, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Dana.

Mr. Whiteway then read affidavits made by the following persons relative to the present inquiry :

Mr. J. J. Rogerson, of St. John's, Newfoundland. (No. 162, Appendix G.)

Mr. Isaac Mercer, of Bay Roberts, Newfoundland. (No. 163, Appendix G.)

Mr. Samuel Fiander, of Coomb's Cove, Newfoundland. (No. 164, Appendix G.)

Mr. George Bishop, of Burin, Newfoundland. (No. 165, Appendix G.)

Mr. G. A. Hickman, of Grand Bank, Newfoundland. (No. 166, Appendix G.)

Mr. John Lake, sr., of Fortune, Newfoundland. (No. 167, Appendix G.)

Mr. George Simms, of Grand Bank, Newfoundland. (No. 168, Appendix G.)

Mr. Henry T. Holman, Harbour Breton, Newfoundland. (No. 169, Appendix G.)

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXVIII.

Record of the proceedings of the Fisheries Commission at the twenty-eighth conference, held at Halifax, Nova Scotia, on the 31st day of August, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Doutre read affidavits made relative to the present inquiry by the following persons :

Mr. John LeGresley, of Point St. Peter. (No. 170, Appendix G.)

Mr. John B. Fauvel, of Point St. Peter. (No. 171, Appendix G.)

Mr. John LeGros, of Point St. Peter. (No. 172, Appendix G.)

Mr. Adolphus E. Collas, of Point St. Peter. (No. 173, Appendix G.)

Mr. Daniel Orange, of Paspébiac, Province of Quebec. (No. 174, Appendix G.)

Mr. Joshua Mourant, of Paspébiac, Province of Quebec. (No. 175, Appendix G.)

Mr. Frank Leblanc, of Port Daniel, Province of Quebec. (No. 176, Appendix G.)

Mr. Thomas C. Remon, of Little Pabos, Province of Quebec. (No. 177, Appendix G.)

Mr. William O'Connor, of Little Pabos, Province of Quebec. (No. 178, Appendix G.)

Mr. John W. Luce, of Grande Greve, Province of Quebec. (No. 179, Appendix G.)

Mr. Henry Price, of Grande Greve, Province of Quebec. (No. 180, Appendix G.)

Mr. William Hymon, mayor of the township of Cape de Rosier, Grande Greve. (No. 181, Appendix G.)

Mr. Abraham Gavey, of Grande Greve, Province of Quebec. (No. 182, Appendix G.)

Mr. Peter Ferguson, of L'Ance au Beaufils, Province of Quebec. (No. 183, Appendix G.)

Mr. Christopher Baker, of Cape Cove. (No. 184, Appendix G.)

Mr. David Phillips, of Peninsula, Province of Quebec. (No. 185, Appendix G.)

Mr. Richard Miller, of Peninsula, Province of Quebec. (No. 186, Appendix G.)

Mr. James Rooney, of Perce, Province of Quebec. (No. 187, Appendix G.)

Mr. Francis Le Brun, of Jersey, at present residing at Perce. (No. 188, Appendix G.)

Mr. William Johnstone, of House Harbor, Magdalen Islands. (No. 189, Appendix G.)

Mr. Charles Fournier, of Magdalen River, Province of Quebec. (No. 190, Appendix G.)

Mr. Alexis Noil, of Fox River, Province of Quebec. (No. 191, Appendix G.)

Mr. John Packwood, of Cape Rosier, Province of Quebec. (No. 192, Appendix G.)

Mr. Mesiah Tapp, of Fox River, Province of Quebec. (No. 193, Appendix G.)

Mr. James Samuel, of Fox River, Province of Quebec. (No. 194, Appendix G.)

Mr. Edward Trachey, of Perce, Province of Quebec. (No. 195, Appendix G.)

Mr. Edward Burn, of Fox River, Province of Quebec. (No. 196, Appendix G.)

Mr. Joseph D. Payson, of Westport, Digby County. (No. 197, Appendix G.)

Mr. Thomas C. Cook, of Cape Canso, Nova Scotia. (No. 198, Appendix G.)

Mr. W. Wise, of Chatham, New Brunswick. (No. 199, Appendix G.)

Mr. S. F. Cheney, of Nantucket Island, Grand Manan, a fisherman, was called on behalf of the United States, and gave evidence on oath on matters connected with the inquiry. (No. 3, Appendix L.)

The witness was examined by Mr. Foster, and cross-examined by Mr. S. R. Thomson.

Mr. Davies then read affidavits made relative to the present inquiry, by the following persons :

Mr. James Flynn, of Perce. (No. 200, Appendix G.)

Mr. Edmund Flynn, of Perce. (No. 201, Appendix G.)

Mr. John Vardon, of Malbay. (No. 202, Appendix G.)

Mr. G. Dumaresq, of Fox River. (No. 203, Appendix G.)

Mr. Alexander Oampion, of Magdalen River. (No. 204, Appendix G.)

Mr. Alexis Malonin, of Griffin's Cove. (No. 205, Appendix G.)

Mr. Charles Gaul, of Douglas Town. (No. 206, Appendix G.)

Mr. Robert Tapp, of Fox River. (No. 207, Appendix G.)

Mr. Luke McCauley, of Douglas Town. (No. 208, Appendix G.)

Mr. Thomas McRay, of Gaspe. (No. 209, Appendix G.)

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXIX.

Record of the proceedings of the Fisheries Commission at the twenty-ninth conference, held at Halifax, Nova Scotia, on the 1st day of September, 1877.

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The President then read the following decision :

“The Commissioners having considered the motion submitted by Messrs. Dana and Trescot, decided that—

“Having due regard to the right of Her Majesty’s Government to the general and final reply, the Commissioners cannot modify the rules in such a manner as might impair or diminish such right. Each party will, however, within the period fixed by the rules, be allowed to offer its concluding argument, either orally or in writing; and if orally, it may be accompanied by a written resumé or summary thereof, for the convenience of the Commissioners, such resumé or summary being furnished within the said period.

“Mr. Kellogg dissenting.”

Mr. Foster then read the following notice of motion :

“The Counsel and Agent of the United States move the honorable Commissioners to rule and declare that—

“It is not competent for this Commission to award any compensation for commercial intercourse between the two countries, and that the advantages resulting from the practice of purchasing bait, ice, supplies, &c., and from being allowed to transship cargoes in British waters, do not constitute good foundation for an award of compensation, and shall be wholly excluded from the consideration of this tribunal.”

The Commission adjourned until Monday, the 3d of September, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XXX.

Record of the proceedings of the Fisheries Commission at the thirtieth conference, held at Halifax, Nova Scotia, on the 3d day of September, 1877.

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Ford then presented to the Commissioners, and to the Agent of the United States, copies of the “Brief on behalf of Her Majesty’s Government” in reply to the “Brief for the United States upon the question of the extent and limits of the inshore fisheries and territorial waters on the Atlantic Coast of British North America.” (Appendix K.)

Mr. Doutre next read affidavits made relative to the present inquiry by the following persons :

Mr. Francis Noil, of Fox River. (No. 210, Appendix G.)

Mr. James Jessop, of Newport. (No. 211, Appendix G.)

Mr. S. B. Hammoud, of Lockeport. (No. 212, Appendix G.)

Mr. William Lloyd, of Lockeport. (No. 213, Appendix G.)

- Mr. James Alexander, of Point St. Peters. (No. 214, Appendix G.)
- Mr. George Prevel, of St. George of Malbay. (No. 215, Appendix G.)
- Mr. Daniel Devot, of the Basin, Amherst Island, Magdalen Islands. (No. 216, Appendix G.)
- Mr. Joseph Sinette, of Griffu's Cove. (No. 217, Appendix G.)
- Mr. John Phelan, of Port Daniel. (No. 218, Appendix G.)
- Mr. Sixte Lafrance, of Amherst Harbor, Magdalen Islands. (No. 219, Appendix G.)
- Mr. Gabriel Cormier, of Amherst Harbor, Magdalen Islands. (No. 220, Appendix G.)
- Mr. A. Conway, of Gaspé. (No. 221, Appendix G.)
- Mr. Philias Sirois, of L'Islet, Province of Quebec. (No. 222, Appendix G.)
- Mr. John Renouf, of Carlisle, Province of Quebec. (No. 223, Appendix G.)
- Mr. William F. Bower, of Point St. Peter. (No. 224, Appendix G.)
- Mr. Hippolyte Bondman, of Esquimaux Point. (No. 225, Appendix G.)
- Mr. Francois Cormier, of Esquimaux Point. (No. 226, Appendix G.)
- Mr. Placide Doyle, of Esquimaux Point. (No. 227, Appendix G.)
- Mr. Gabriel Cormier, of Esquimaux Point. (No. 228, Appendix G.)
- Mr. Nathaniel Bondman, of Esquimaux Point. (No. 229, Appendix G.)
- Mr. Julius Boudreau, of Esquimaux Point. (No. 230, Appendix G.)
- Mr. Philip Touzel, of Sheldrake, Province of Quebec. (No. 231, Appendix G.)
- Mr. Samuel Bouchard, of Amherst Harbour, Magdalen Islands. (No. 232, Appendix G.)
- Mr. Gabriel Seaboyer, of Lower LaHave, Nova Scotia. (No. 233, Appendix G.)
- Mr. Patrick Mullins, of South Bar, Sydney, Nova Scotia. (No. 234, Appendix G.)
- Mr. Michael Rooney, of Douglas Town, Province of Quebec. (No. 235, Appendix G.)
- Mr. Peter Briord, of Douglas Town, Province of Quebec. (No. 236, Appendix G.)
- Mr. Andrew Kennedy, of Douglas Town, Province of Quebec. (No. 237, Appendix G.)
- Mr. Pierre Brochu, of Seven Islands, Province of Quebec. (No. 238, Appendix G.)
- Mr. Isaac Chouinard, of Cape Chat, Province of Quebec. (No. 239, Appendix G.)
- Mr. Austin Locke, of Lockeport. (No. 240, Appendix G.)
- Mr. Daniel McAdams, of Lockeport. (No. 241, Appendix G.)
- Mr. Messie Fournier, of Grand Vallee, Province of Quebec. (No. 242, Appendix G.)
- Mr. William Haddon, of Grande Isle, Magdalen Islands. (No. 243, Appendix G.)
- Mr. John Carter, of Port Mouton. (No. 244, Appendix G.)
- Mr. William McLeod, of Port Daniel. (No. 245, Appendix G.)
- Mr. Allen Matthews, of East Ragged Islands. (No. 246, Appendix G.)
- Mr. Daniel Murray, jr., of Port Mulgrave. (No. 247, Appendix G.)
- Mr. Thomas Condon, of Guysborough. (No. 248, Appendix G.)
- Mr. Alexander McKenzie, of Crow Harbor, county of Guysborough. (No. 249, Appendix G.)

Mr. Michael Robertson, of Port Jollie, Queen's County. (No. 250, Appendix G.)

Mr. Geoffrey H. Publicover, of Getton's Cove, Lunenburg. (No. 251, Appendix G.)

Mr. James S. Seaboyer, of Rose Bay, Lunenburg. (No. 252, Appendix G.)

Mr. Thomas Ritey, sr., of Lower LaHave. (No. 253, Appendix G.)

Mr. William D. Smith, of Port Hood. (No. 254, Appendix G.)

Mr. Archibald B. Skinner, of Port Hastings. (No. 255, Appendix G.)

Mr. William B. Munroe, of Whitehaven. (No. 256, Appendix G.)

Mr. Matthew Munroe, of Whitehaven. (No. 257, Appendix G.)

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXXI.

Record of the proceedings of the Fisheries Commission at the thirty-first conference, held at Halifax, Nova Scotia, on the 4th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which was approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Doutre then read affidavits made relative to the present inquiry by the following persons:

Mr. Isaac W. Rennels, of Port Hood. (No. 258, Appendix G.)

Mr. John McAdams, of Port Jollie. (No. 259, Appendix G.)

Mr. Donald Campbell, of Port Mouton. (No. 260, Appendix G.)

Mr. John D. Richard, of LaHave Island, and now of Getson's Cove. (No. 261, Appendix G.)

Mr. Colin McLeod, of Brooklyn, Queen's County. (No. 262, Appendix G.)

Mr. James Buscher, of Port Mouton. (No. 263, Appendix G.)

Mr. William Ross, collector of customs at Halifax, Nova Scotia, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 52, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Charles Creed, of Halifax, a general broker, and secretary to the Halifax Chamber of Commerce, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 53, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. John Dillon, of Steep Creek, Strait of Canso, a fish merchant and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 54, Appendix F.)

The witness was examined by Mr. Weatherbe. No cross-examination was desired.

Mr. Doutre then read affidavits made relative to the present inquiry by the following persons:

Mr. John P. Gardiner, of Cape Sable Island. (No. 264, Appendix G.)

Mr. Alexander Gillies, of Port Hood. (No. 265, Appendix G.)

Mr. Henry Hemlow, sr., of Liscomb, Nova Scotia. (No. 266, Appendix G.)

Mr. William Watts, of Port Hood. (No. 267, Appendix G.)

Mr. Joshua Smith, of Port Hood Island. (No. 268, Appendix G.)

Mr. Livingston Coggins, of Westport, Digby County. (No. 269, Appendix G.)

Mr. Martin Wentzell, of Lower LaHave. (No. 270, Appendix G.)

Mr. William B. Christian, of Prospect, Nova Scotia. (No. 271, Appendix G.)

Mr. Alexander McDonald, of Port Hood Island. (No. 273, Appendix G.)

Mr. Angus Gillies, of Port Hood. (No. 273, Appendix G.)

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXXII.

Record of the proceedings of the Fisheries Commission at the thirty second conference, held at Halifax, Nova Scotia, on the 5th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster read the notice of motion which had been filed by him at the conference of the 1st of September (see Protocol No. XXIX), and supported the application made therein on behalf of the United States.

Mr. S. R. Thomson, Mr. Doutre, Mr. Weatherbe, and Mr. Whiteway answered on behalf of Her Majesty's Government. Mr. Trescot and Mr. Dana replied. (No. 3, Appendix J.)

The Commission then adjourned till 4 p. m. the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXXIII.

Record of the proceedings of the Fisheries Commission at the thirty-third conference, held at Halifax, Nova Scotia, on the 6th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference; which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster read certain documents relative to the liability to confiscation of United States vessels for obtaining supplies, transshipping cargoes, &c. (No. 3, Appendix J.)

The matter was discussed by Mr. Foster, Mr. S. R. Thomson, and Mr. Weatherbe.

Mr. Dana then resumed his speech, left unfinished at the close of the proceedings of the previous day.

The Commission then retired to deliberate, and on their return the President read the following decision:

"The Commission having considered the motion submitted by the Agent of the United States at the conference held on the 1st instant, decide—

"That it is not within the competence of this tribunal to award compensation for commercial intercourse between the two countries, nor for the purchasing of bait, ice, supplies, &c., nor for the permission to transship cargoes in British waters."

Sir Alexander Galt stated the reasons which had induced him to acquiesce in this decision, which was unanimous." (See No. 3, Appendix J.)

Mr. Marshal Paquet, of Souris, Prince Edward Island, a farmer and fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 55, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Barnaby McIsaac, of East Point, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 56, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. Joseph Tierney, of Souris, Prince Edward Island, a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 57, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. James McPhee, East Point, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 58, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. Whiteway read an affidavit made relative to the present inquiry by Mr. J. O. Fraser. (No. 274, Appendix G.)

Mr. Whiteway also handed in a certified copy of a dispatch from the Earl of Kimberley to Governor Hill, dated the 7th July, 1871, relative

to the admission of United States fishermen to the Newfoundland waters. (Appendix N.)

Mr. John Macdonald, of East Point, Prince Edward Island, a farmer and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 59, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

The Commission adjourned at 5 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXXIV.

Record of the proceedings of the Fisheries Commission at the thirty-fourth conference, held at Halifax, Nova Scotia, on the 7th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference; which were approved and signed by the Commissioners, the Secretary, and the Agents.

Mr. Thomas R. Pattillo, of Liverpool, Nova Scotia, a fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 60, Appendix F.)

The witness was examined by Mr. Thomson and cross-examined by Mr. Foster.

Mr. John R. Macdonald, of East Point, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 61, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. John D. Macdonald, of Souris, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 62, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Peter S. Richardson, of Chester, Lunenburg County, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 63, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Charles E. Nass, of Chester, Lunenburg County, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 64, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Robert Young, of Caraquette, New Brunswick, a fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 65, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Ronald Macdonald, of East Point, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 66, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Holland C. Payson, of Westport, Digby County, fishery overseer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 67, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Clement McIsaac, of East Point, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 68, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. Laughlin Macdonald, of Souris, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 69, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. Joseph Beaton, of East Point, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 70, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. James McInnis, of Souris, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 71, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. Alexander Macdonald, of Souris, Prince Edward Island, captain of a coasting-schooner, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 72, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. John McLellan, of Souris, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 73, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. Benjamin Champion, of Alberton, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 74, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

The Commission adjourned till Monday, the 17th September at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXXV.

Record of the proceedings of the Fisheries Commission at the thirty-fifth conference, held at Halifax, Nova Scotia, on the 17th day of September, 1877.

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. John C. Cunningham, of Cape Sable Island, Nova Scotia, a master mariner, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 75, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Benjamin H. Ruggles, of Westport, Digby County, Nova Scotia, customs officer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 76, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Josiah Hopkins, of Barrington, Nova Scotia, fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 77, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Weatherbe then read affidavits made relative to the present inquiry by the following persons:

Mr. John Bethell, of West Bancrow, Nova Scotia. (No. 275, Appendix G.)

Mr. Edward D. Tremain, of Port Hood. (No. 276, Appendix G.)

Mr. Robert Currie, of Louis Harbor, Nova Scotia. (No. 277, Appendix G.)

Mr. Parker Matthews, of Black Point, Nova Scotia. (No. 278, Appendix G.)

Mr. Robert Deagle, of Souris, Prince Edward Island. (No. 279, Appendix G.)

Mr. James Carey, of Port Mulgrave, Nova Scotia. (No. 280, Appendix G.)

Mr. Thomas Pinkham, of Booth Bay, State of Maine. (No. 281, Appendix G.)

Mr. Reuben Harlow, of Shelburne, Nova Scotia. (No. 282, Appendix G.)

Mr. Judah C. Smith, of Barrington, Nova Scotia. (No. 283, Appendix G.)

Mr. Amos H. Outhouse, of Tiverton, Nova Scotia. (No. 284, Appendix G.)

Mr. John Merchant, of Hardwicke, Northumberland County. (No. 285, Appendix G.)

Mr. Wallace Trask, of Little River, Nova Scotia. (No. 286, Appendix G.)

Mr. George E. Mosley, of Tiverton, Nova Scotia. (No. 287, Appendix G.)

Mr. Charles H. Payson, of Westport, Nova Scotia. (No. 288, Appendix G.)

Mr. Eleazer Crowell, of Clarke's Harbor, Nova Scotia. (No. 289, Appendix G.)

Mr. Daniel V. Kenny, of Cape Sable Island, Nova Scotia. (No. 290, Appendix G.)

Mr. Gilbert Merritt, of Sandy Cove, Nova Scotia. (No. 291, Appendix G.)

Mr. Charles W. Denton, of Little River, Nova Scotia. (No. 292, Appendix G.)

Mr. Joseph E. Denton, of Little River, Nova Scotia. (No. 293, Appendix G.)

Mr. John McKay, of Tiverton, Nova Scotia. (No. 294, Appendix G.)

Mr. Whitefield Outhouse, of Tiverton, Nova Scotia. (No. 295, Appendix G.)

Mr. John W. Snow, of Digby, Nova Scotia. (No. 296, Appendix G.)

Mr. James Patterson, of Port Williams, Nova Scotia. (No. 297, Appendix G.)

Mr. Byron P. Ladd, of Yarmouth, Nova Scotia. (No. 298, Appendix G.)

Mr. Abram Thurston, of Sanford, Nova Scotia. (No. 299, Appendix G.)

Mr. Samuel M. Ryerson, of Yarmouth, Nova Scotia. (No. 300, Appendix G.)

Mr. Robert G. Eakins, jr., of Yarmouth, Nova Scotia. (No. 301, Appendix G.)

The Commission then adjourned till next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXXVI.

Record of the proceedings of the Fisheries Commission at the thirty-sixth conference, held at Halifax, Nova Scotia, on the 18th day of September, 1877.

The Commission met at noon as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. William H. Harrington, of Halifax, Nova Scotia, a commissioner and fish agent, was called, and gave evidence on oath on matters connected with the inquiry. (No. 78, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. John Parney, of Sandy Point, Shelburne, Nova Scotia, a fish-merchant, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 79, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Dana.

Mr. Robert G. Noble, of Halifax, Nova Scotia, a commission and fish agent, was called, and gave evidence on oath on matters connected with the inquiry. (No. 80, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. James Barry, of the customs department at Ottawa, was called, and gave evidence on oath on matters connected with the inquiry. (No. 81, Appendix F.)

The witness was examined by Mr. Davies.

Mr. Davies then read affidavits made relative to the present inquiry by the following persons :

Mr. Daniel Ross, of North Rustico, P. E. I. (No. 302, Appendix G.)

Mr. John A. McLeod, of Kensington, P. E. I. (No. 303, Appendix G.)

Mr. James McDonald, of Chepstow, P. E. I. (No. 304, Appendix G.)

Mr. Donald McCormack, of Black Bush, P. E. I. (No. 305, Appendix G.)

Mr. Angus B. McDonald, of Souris, P. E. I. (No. 306, Appendix G.)

Mr. Peter McDonald, of Souris, P. E. I. (No. 307, Appendix G.)

Mr. John McIntyre, of Fairfield, P. E. I. (No. 308, Appendix G.)

Mr. Michael McDonald, of French River, P. E. I. (No. 309, Appendix G.)

Mr. Thomas Welsh, of Souris, P. E. I. (No. 310, Appendix G.)

Mr. Dominick Doviant, of North Rustico, P. E. I. (No. 311, Appendix G.)

Mr. Robert Carson, of North Rustico, P. E. I. (No. 312, Appendix G.)

Mr. Charles McEachan, of Township No. 46. (No. 313, Appendix G.)

Mr. Daniel C. McLean, of Black Bush, P. E. I. (No. 314, Appendix G.)

Mr. Daniel McIntyre, of Black Bush, P. E. I. (No. 315, Appendix G.)

Mr. Thomas Milner, of Parker's Cove, Nova Scotia. (No. 316, Appendix G.)

Mr. James W. Cousins, of Digby Town, Nova Scotia. (No. 317, Appendix G.)

Mr. David Swain, of Port Clyde, Nova Scotia. (No. 318, Appendix G.)

Mr. Robert Henry Bolman, of Sand Point, Nova Scotia. (No. 319, Appendix G.)

This closed the case of Her Majesty's Government, with the exception of a few witnesses, expected at a later date, permission to examine whom, during the course of the United States evidence, was asked and obtained.

The Commission adjourned at 3.30 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXXVII.

Record of the proceedings of the Fisheries Commission at the thirty-seventh conference, held at Halifax, Nova Scotia, on the 19th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster, in commencing the case of the United States, stated that he did not propose to make any formal opening, but that before proceeding to examining witnesses, he would hand in certain statistical documents relating to the fisheries and the trade in fish between the United States and British North America.

These statistics were accompanied by an affidavit as to their correctness by the compiler, Mr. Hamilton Andrews Hill, of Boston. (Appendix O.)

Mr. David Ingersoll, of Gloucester, Mass., a fisherman, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 4, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by S. R. Thomson.

Mr. Nathaniel E. Attwood, of Provincetown, Mass., a manufacturer and dealer in cod-liver oil, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 5, Appendix L.)

The witness was examined by Mr. Foster.

The Commission adjourned at 4 p. m. until next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

 PROTOCOL XXXVIII.

Record of the proceedings of the Fisheries Commission at the thirty-eighth conference, held at Halifax, Nova Scotia, on the 20th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Attwood was resumed by Mr. Foster. Mr. S. R. Thomson and Mr. Whiteway, by consent, cross-examined.

Mr. Barzillai Kemp, of Wellfleet, Mass., a master mariner and fisher-

man, was called, and gave evidence on oath on matters connected with the inquiry. (No. 6, Appendix L.)

The witness was examined by Mr. Foster.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXXIX.

Record of the proceedings of the Fisheries Commission at the thirty-ninth conference, held at Halifax, Nova Scotia, on the 1st day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Barzillai Kemp was resumed by Mr. Foster. The witness was cross-examined by Mr. Weatherbe.

Mr. Nathaniel Attwood was recalled, and handed in a statement of bank-fishing vessels belonging to Provincetown, Mass.

Mr. Francis M. Freeman, of Provincetown, Mass., a fish merchant and outfitter, was called, and gave evidence on oath on matters connected with the inquiry. (No. 7, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson. Mr. Whiteway further cross-examined the witness by consent.

Mr. Henry Cook, of Provincetown, Mass., an owner of fishing-vessels and outfitter, formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 8, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Whiteway.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XL.

Record of the proceedings of the Fisheries Commission at the fortieth conference, held at Halifax, Nova Scotia, on the 22d day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Joshua Paine, of Provincetown, Mass., a merchant and president of an insurance company, was called, and gave evidence on oath on matters connected with the inquiry. (No. 9, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Nathan D. Freeman, of Provincetown, Mass., a merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 10, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Bangs A. Lewis, of Provincetown, Mass., a merchant and outfitter of vessels, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 11, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission then adjourned until Monday, the 24th day of September, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XLI.

Record of the proceedings of the Fisheries Commission at the forty-first conference, held at Halifax, Nova Scotia, on the 24th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James W. Graham, of Wellfleet, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 12, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. Foster then handed in a statement showing the number and tonnage of vessels of the United States employed in the cod and mackerel fisheries, from 1866 to 1876 inclusive. (No. 2, Appendix O.)

Mr. Davies requested that similar returns might be produced showing the statistics for the years 1856 to 1866.

Mr. Daniel C. Newcomb, of Wellfleet, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 13, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Moses Pettingell, of Newburyport, Mass., inspector of customs, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 14, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Isaiah C. Young, of Wellfleet, Mass., an outfitter of vessels, was called, and gave evidence on oath on matters connected with the inquiry. (No. 15, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Weatherbe.

Mr. Timothy A. Daniels, of Wellfleet, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 16, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. D. W. Oliver, of Wellfleet, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 17, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLII.

Record of the proceedings of the Fisheries Commission at the forty-second conference, held at Halifax, Nova Scotia, on the 25th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. George Friend, of Gloucester, Mass., a fisherman and sailmaker, was called, and gave evidence on oath on matters connected with the inquiry. (No. 18, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe, and, by consent, by Mr. Whiteway.

Mr. Charles Henry Orne, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 19, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies, and, by consent, by Mr. Whiteway.

Mr. Benjamin Maddocks, of Gloucester, Mass., a fish-dealer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 20, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Doutre, and, by consent, by Mr. Whiteway.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLIII.

Record of the proceedings of the Fisheries Commission at the forty-third conference, held at Halifax, Nova Scotia, on the 26th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Maddocks was resumed by Mr. Whiteway.

Mr. Andrew Leighton, of Gloucester, Mass., a fisherman, and member of a fishing firm, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 21, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Dana then read affidavits made relative to the present inquiry by the following persons :

Mr. Cristopher C. Poole, of Gloucester, Mass. (No. 234, Appendix M.)

Mr. Russell D. Terry, of Gloucester, Mass. (No. 235, Appendix M.)

Mr. William Herrick, of Swan's Island, Me. (No. 236, Appendix M.)

Mr. Thomas H. White, of Gloucester, Mass. (No. 237, Appendix M.)

Mr. Charles Lee, of Gloucester, Mass. (No. 238, Appendix M.)

[N. B.—Two hundred and thirty-three United States affidavits had been already printed in Boston, but not as yet submitted to the Commission.]

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLIV.

Record of the proceedings of the Fisheries Commission at the forty-fourth conference, held at Halifax, Nova Scotia, on the 27th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Aaron Riggs, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 22, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. John J. Rowe, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 23, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. John H. Gale, of Gloucester, Mass., packer and deputy inspector of mackerel for the city of Gloucester, was called, and gave evidence on oath on matters connected with the inquiry. (No. 24, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned at 4.10 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLV.

Record of the proceedings of the Fisheries Commission at the forty-fifth conference, held at Halifax, Nova Scotia, on the 28th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. John S. Evitt, of Bay of Islands, Newfoundland, a master mariner and dealer in fish, was called, and gave evidence on oath on matters connected with the inquiry. (No. 25, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies, and by consent by Mr. Whiteway.

Mr. Davies requested permission to examine a witness on behalf of Her Majesty's Government. The request was granted; and

Mr. William B. Smith, of Cape Sable Island, Barrington, Nova Scotia, a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 82, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. William B. Smith was recalled and cross-examined on certain points.

Mr. Benjamin F. Cook, of Gloucester, Mass., inspector of customs, was called, and gave evidence on oath on matters connected with the inquiry. (No. 26, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. Edwin Smith, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 27, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

The Commission adjourned at 4 p. m. till Monday, the 1st day of October, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XLVI.

Record of the proceedings of the Fisheries Commission at the forty-sixth conference, held at Halifax, Nova Scotia, on the 1st day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster handed in a copy of the judgment of His Honor Judge Hazen in the case of the *White Fawn*. (No. 1, Appendix P.)

Mr. John McInnis, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No 28, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Joseph O. Procter, of Gloucester, Mass., engaged in the fishing business, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 29, Appendix L.)

The witness was examined by Mr. Trescott and cross-examined by M. Davies and re-examined by Mr. Foster.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XLVII.

Record of the proceedings of the Fisheries Commission, at the forty-second conference, held at Halifax, Nova Scotia, on the 2d day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Sydney Gardner, of Gloucester, Mass., inspector of customs, was called, and gave evidence on oath on matters connected with the inquiry. (No. 30, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Stephen J. Martin, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 31, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Michael Macauley, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 32, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies and, by consent, by Mr. Whiteway.

Mr. S. J. Martin was recalled and re-examined by Mr. Dana. Mr. Weatherbe cross-examined.

Mr. Ezra Turner, of Isle of Haut, State of Maine, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 33, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS OLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLVIII.

Record of the proceedings of the Fisheries Commission at the forty-eighth conference, held at Halifax, Nova Scotia, on the 3d day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Ezra Turner was resumed by Mr. Weatherbe.

Mr. Samuel T. Rowe, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 34, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Moses Tarr, of Gloucester, Mass., a fisherman and fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 35, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Weatherbe.

Mr. Benjamin Ashby, jr., of Noank, Conn., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 36, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

The Commission then adjourned till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLIX.

Record of the proceedings of the Fisheries Commission at the forty-ninth conference, held at Halifax, Nova Scotia, on the 4th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Davies handed in reports, extracted from Canadian newspapers, of judgments delivered by Sir William Young, in the vice-admiralty court of Halifax, on the following cases:

The Wampatuck, 6th December, 1870. (No. 2, Appendix P.)

The A. H. Wanson, 10th February, 1871. (No. 3, Appendix P.)

The A. J. Franklin, 10th February, 1871. (No. 4, Appendix P.)

The J. H. Nickerson, November, 1871. (No. 5, Appendix P.)

Mr. Joseph F. Brown, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 37, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Peter H. Mills, of Deer Isle, Me., a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 38, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. William H. McDonald, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 39, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Whiteway.

Mr. William A. Dickey, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 40 Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Doutre.

Mr. Alvarado Gray, of Brooksville, State of Maine, a fisherman, was

called, and gave evidence on oath on matters connected with the inquiry. (No. 41, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe and by Whiteway.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL L.

Record of the proceedings of the Fisheries Commission at the fiftieth conference, held at Halifax, Nova Scotia, on the 5th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Robert H. Hulbert, of Gloucester, Mass., a fisherman, and pilot of the United States steamer Speedwell, was called, and gave evidence on oath on matters connected with the inquiry. (No 42, Appendix L.)

The witness was partially examined by Mr. Foster, who requested permission to reserve the remainder of the examination until some fishermen at present in the port of Halifax had given their testimony.

Mr. Castanus M. Smalley, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 43, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Edward A. Googins, of Portland, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 44, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Isaac Burgess, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 45, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Charles H. Brier, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 46, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Doutre.

Mr. Dexter F. Walsh, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 47, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

PROTOCOL XXXVII.

Record of the proceedings of the Fisheries Commission at the thirty-seventh conference, held at Halifax, Nova Scotia, on the 19th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster, in commencing the case of the United States, stated that he did not propose to make any formal opening, but that before proceeding to examining witnesses, he would hand in certain statistical documents relating to the fisheries and the trade in fish between the United States and British North America.

These statistics were accompanied by an affidavit as to their correctness by the compiler, Mr. Hamilton Andrews Hill, of Boston. (Appendix O.)

Mr. David Ingersoll, of Gloucester, Mass., a fisherman, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 4, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by S. R. Thomson.

Mr. Nathaniel E. Attwood, of Provincetown, Mass., a manufacturer and dealer in cod-liver oil, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 5, Appendix L.)

The witness was examined by Mr. Foster.

The Commission adjourned at 4 p. m. until next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

 PROTOCOL XXXVIII.

Record of the proceedings of the Fisheries Commission at the thirty-eighth conference, held at Halifax, Nova Scotia, on the 20th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Attwood was resumed by Mr. Foster. Mr. S. R. Thomson and Mr. Whiteway, by consent, cross-examined.

Mr. Barzillai Kemp, of Wellfleet, Mass., a master mariner and fisher-

man, was called, and gave evidence on oath on matters connected with the inquiry. (No. 6, Appendix L.)

The witness was examined by Mr. Foster.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XXXIX.

Record of the proceedings of the Fisheries Commission at the thirty-ninth conference, held at Halifax, Nova Scotia, on the 1st day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Barzillai Kemp was resumed by Mr. Foster. The witness was cross-examined by Mr. Weatherbe.

Mr. Nathaniel Attwood was recalled, and handed in a statement of bank-fishing vessels belonging to Provincetown, Mass.

Mr. Francis M. Freeman, of Provincetown, Mass., a fish merchant and outfitter, was called, and gave evidence on oath on matters connected with the inquiry. (No. 7, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson. Mr. Whiteway further cross-examined the witness by consent.

Mr. Henry Cook, of Provincetown, Mass., an owner of fishing-vessels and outfitter, formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 8, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Whiteway.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROCTOCOL XL.

Record of the proceedings of the Fisheries Commission at the fortieth conference, held at Halifax, Nova Scotia, on the 22d day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Joshua Paine, of Provincetown, Mass., a merchant and president of an insurance company, was called, and gave evidence on oath on matters connected with the inquiry. (No. 9, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Nathan D. Freeman, of Provincetown, Mass., a merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 10, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Bangs A. Lewis, of Provincetown, Mass., a merchant and outfitter of vessels, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 11, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission then adjourned until Monday, the 24th day of September, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XLI.

Record of the proceedings of the Fisheries Commission at the forty-first conference, held at Halifax, Nova Scotia, on the 24th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James W. Graham, of Wellfleet, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 12, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. Foster then handed in a statement showing the number and tonnage of vessels of the United States employed in the cod and mackerel fisheries, from 1866 to 1876 inclusive. (No. 2, Appendix O.)

Mr. Davies requested that similar returns might be produced showing the statistics for the years 1856 to 1866.

Mr. Daniel C. Newcomb, of Wellfleet, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 13, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Moses Pettingell, of Newburyport, Mass., inspector of customs, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 14, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Isaiah O. Young, of Wellfleet, Mass., an outfitter of vessels, was called, and gave evidence on oath on matters connected with the inquiry. (No. 15, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Weatherbe.

Mr. Timothy A. Daniels, of Wellfleet, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 16, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. D. W. Oliver, of Wellfleet, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 17, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLII.

Record of the proceedings of the Fisheries Commission at the forty-second conference, held at Halifax, Nova Scotia, on the 25th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. George Friend, of Gloucester, Mass., a fisherman and sailmaker, was called, and gave evidence on oath on matters connected with the inquiry. (No. 18, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe, and, by consent, by Mr. Whiteway.

Mr. Charles Henry Orne, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 19, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies, and, by consent, by Mr. Whiteway.

Mr. Benjamin Maddocks, of Gloucester, Mass., a fish-dealer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 20, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Doutre, and, by consent, by Mr. Whiteway.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLIII.

Record of the proceedings of the Fisheries Commission at the forty-third conference, held at Halifax, Nova Scotia, on the 26th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Maddocks was resumed by Mr. Whiteway.

Mr. Andrew Leighton, of Gloucester, Mass., a fisherman, and member of a fishing firm, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 21, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Dana then read affidavits made relative to the present inquiry by the following persons :

Mr. Cristopher C. Poole, of Gloucester, Mass. (No. 234, Appendix M.)

Mr. Russell D. Terry, of Gloucester, Mass. (No. 235, Appendix M.)

Mr. William Herrick, of Swan's Island, Me. (No. 236, Appendix M.)

Mr. Thomas H. White, of Gloucester, Mass. (No. 237, Appendix M.)

Mr. Charles Lee, of Gloucester, Mass. (No. 238, Appendix M.)

[N. B.—Two hundred and thirty-three United States affidavits had been already printed in Boston, but not as yet submitted to the Commission.]

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLIV.

Record of the proceedings of the Fisheries Commission at the forty-fourth conference, held at Halifax, Nova Scotia, on the 27th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Aaron Riggs, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 22, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. John J. Rowe, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 23, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. John H. Gale, of Gloucester, Mass., packer and deputy inspector of mackerel for the city of Gloucester, was called, and gave evidence on oath on matters connected with the inquiry. (No. 24, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned at 4.10 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLV.

Record of the proceedings of the Fisheries Commission at the forty-fifth conference, held at Halifax, Nova Scotia, on the 28th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. John S. Evitt, of Bay of Islands, Newfoundland, a master mariner and dealer in fish, was called, and gave evidence on oath on matters connected with the inquiry. (No. 25, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies, and by consent by Mr. Whiteway.

Mr. Davies requested permission to examine a witness on behalf of Her Majesty's Government. The request was granted; and

Mr. William B. Smith, of Cape Sable Island, Barrington, Nova Scotia, a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 82, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. William B. Smith was recalled and cross-examined on certain points.

Mr. Benjamin F. Cook, of Gloucester, Mass., inspector of customs, was called, and gave evidence on oath on matters connected with the inquiry. (No. 26, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. Edwin Smith, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 27, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

The Commission adjourned at 4 p. m. till Monday, the 1st day of October, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XLVI.

Record of the proceedings of the Fisheries Commission at the forty-sixth conference, held at Halifax, Nova Scotia, on the 1st day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster handed in a copy of the judgment of His Honor Judge Hazen in the case of the *White Fawn*. (No. 1, Appendix P.)

Mr. John McInnis, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No 28, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Joseph O. Procter, of Gloucester, Mass., engaged in the fishing business, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 29, Appendix L.)

The witness was examined by Mr. Trescott and cross-examined by M. Davies and re-examined by Mr. Foster.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XLVII.

Record of the proceedings of the Fisheries Commission, at the forty-second conference, held at Halifax, Nova Scotia, on the 2d day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Sydney Gardner, of Gloucester, Mass., inspector of customs, was called, and gave evidence on oath on matters connected with the inquiry. (No. 30, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Stephen J. Martin, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 31, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Michael Macauley, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 32, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies and, by consent, by Mr. Whiteway.

Mr. S. J. Martin was recalled and re-examined by Mr. Dana. Mr. Weatherbe cross-examined.

Mr. Ezra Turner, of Isle of Haut, State of Maine, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 33, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLVIII.

Record of the proceedings of the Fisheries Commission at the forty-eighth conference, held at Halifax, Nova Scotia, on the 3d day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Ezra Turner was resumed by Mr. Weatherbe.

Mr. Samuel T. Rowe, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 34, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Moses Tarr, of Gloucester, Mass., a fisherman and fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 35, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Weatherbe.

Mr. Benjamin Ashby, jr., of Noank, Conn., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 36, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

The Commission then adjourned till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLIX.

Record of the proceedings of the Fisheries Commission at the forty-ninth conference, held at Halifax, Nova Scotia, on the 4th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Davies handed in reports, extracted from Canadian newspapers, of judgments delivered by Sir William Young, in the vice-admiralty court of Halifax, on the following cases:

The Wampatuck, 6th December, 1870. (No. 2, Appendix P.)

The A. H. Wanson, 10th February, 1871. (No. 3, Appendix P.)

The A. J. Franklin, 10th February, 1871. (No. 4, Appendix P.)

The J. H. Nickerson, November, 1871. (No. 5, Appendix P.)

Mr. Joseph F. Brown, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 37, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Peter H. Mills, of Deer Isle, Me., a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 38, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. William H. McDonald, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 39, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Whiteway.

Mr. William A. Dickey, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 40 Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Doutre.

Mr. Alvarado Gray, of Brooksville, State of Maine, a fisherman, was

called, and gave evidence on oath on matters connected with the inquiry. (No. 41, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe and by Whiteway.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL L.

Record of the proceedings of the Fisheries Commission at the fiftieth conference, held at Halifax, Nova Scotia, on the 5th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Robert H. Hulbert, of Gloucester, Mass., a fisherman, and pilot of the United States steamer Speedwell, was called, and gave evidence on oath on matters connected with the inquiry. (No. 42, Appendix L.)

The witness was partially examined by Mr. Foster, who requested permission to reserve the remainder of the examination until some fishermen at present in the port of Halifax had given their testimony.

Mr. Castanus M. Smalley, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 43, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Edward A. Googins, of Portland, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 44, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Isaac Burgess, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 45, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Charles H. Brier, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 46, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Doutre.

Mr. Dexter F. Walsh, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 47, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Lawrence Londrigan, of St. Mary's Bay, Newfoundland, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 48, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Richard Hopkins, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 49, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. James O. Clark, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 50, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned till Monday, the 8th of October, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LI.

Record of the proceedings of the Fisheries Commission at the fifty-first conference, held at Halifax, Nova Scotia, on the eighth day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster presented to the Commissioners and to the Agents of Great Britain copies of 233 affidavits on behalf of the United States, which had been printed in Boston. (Appendix M, 1 to 233.)

The President inquired whether these affidavits were put in without being read by consent of the British side.

Permission was requested by Mr. Weatherbe to state next day what course the British side desired to pursue in this respect.

The examination of Mr. Robert H. Hulbert was resumed by Mr. Foster. The witness was cross-examined by Mr. Davies.

Mr. James Currie, of Pictou, Nova Scotia, a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 51, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Thomson.

Mr. William Perry, of Sheet Harbor, Halifax, Nova Scotia, a seaman and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 52, Appendix L.)

The witness was examined by Mr. Dana and cross examined by Mr. Doutre.

Mr. Thomas Warren, deputy collector of customs, of Deer Isle, State of Maine, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 53, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Wilford J. Fisher, of Eastport, Me, express and commission agent, was called, and gave evidence on oath on matters connected with the inquiry. (No. 54, Appendix L.)

The witness was examined by Mr. Trescot.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LII.

Record of the proceedings of the Fisheries Commission at the fifty-second conference, held at Halifax, Nova Scotia, on the 9th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. S. R. Thomson stated that Her Majesty's Agent had no objection to the affidavits on the part of the United States being filed without being read.

The examination of Mr. Wilford J. Fisher was resumed by Mr. Trescot. The witness was cross-examined by Mr. S. R. Thomson.

Mr. Joseph Lakeman, of Grand Manan, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 55, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Sylvanus Smith, of Gloucester, Mass., an owner of vessels and outfitter, was called, and gave evidence on oath on matters connected with the inquiry. (No. 56, Appendix L.)

The witness was examined by Mr. Foster.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LIII.

Record of the proceedings of the Fisheries Commission at the fifty-third conference, held at Halifax, Nova Scotia, on the 10th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Sylvanus Smith was resumed by Mr. Foster.

The witness was cross-examined by Mr. Davies.

Mr. Gilman S. Williams, of Gloucester, Mass., a police officer, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No 57, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. S. R. Thomson.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KEI LOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LIV.

Record of the proceedings of the Fisheries Commission at the fifty-fourth conference, held at Halifax, Nova Scotia, on the 11th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Williams was resumed by Mr. S. R. Thomson.

Mr. David W. Low, of Gloucester, Mass., postmaster, was called, and gave evidence on oath on matters connected with the inquiry. (No. 58, Appendix L.)

The witness was examined by Mr. Dana.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LV.

Record of the proceedings of the Fisheries Commission at the fifty-fifth conference, held at Halifax, Nova Scotia, on the 12th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. David W. Low was resumed by Mr. Dana.

The witness was cross-examined by Mr. Davies.

The Commission adjourned at 4 p. m. until Monday, the 15th day of October, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LVI.

Record of the proceedings of the Fisheries Commission at the fifty-sixth conference, held at Halifax, Nova Scotia, on the 15th day of October, 1877.

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. David W. Low was resumed by Mr. Davies and by Mr. Whiteway.

The witness was re-examined by Mr. Dana, and again cross-examined by Mr. Davies and by Mr. Whiteway.

Mr. Dana and Mr. Foster then read affidavits made relative to the present inquiry by the following persons:

Mr. Joseph McPhee, of Gloucester, Mass. (No. 239, Appendix M.)

Mr. William Parsons, of Gloucester, Mass. (No. 240, Appendix M.)

Mr. Solomon Pool, of Gloucester, Mass. (No. 241, Appendix M.)

Mr. Benjamin Swim, of Gloucester, Mass. (No. 242, Appendix M.)

Mr. Charles F. Carter, of Gloucester, Mass. (No. 243, Appendix M.)

The Commission then adjourned until next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LVII.

Record of the proceedings of the Fisheries Commission at the fifty-seventh conference, held at Halifax, Nova Scotia, on the 16th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Eliphalet W. French, of Eastport, Me., a fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 59, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Foster then read affidavits made relative to the present inquiry by the following persons:

Mr. Winthrop Thurston, of Rockport, Mass. (No. 244, Appendix M.)

Mr. James A. Colson, of Gloucester, Mass. (No. 245, Appendix M.)

Mr. Henry G. Coas, of Gloucester, Mass. (No. 246, Appendix M.)

Mr. Joseph J. Tupper, of Gloucester, Mass. (No. 247, Appendix M.)

Mr. William Davis, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 60, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. William O. Cook, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 61, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Edward Hill, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 62, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. S. R. Thomson.

Mr. John Conley, of Rockport, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 63, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. John C. Knowlton, of Rockport, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 64, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. S. R. Thomson.

The Commission then adjourned till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LVIII.

Record of the proceedings of the Fisheries Commission at the fifty-eighth conference, held at Halifax, Nova Scotia, on the 17th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James H. Myrick, of Boston, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 65, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Foster then read an affidavit made relative to the present inquiry by Mr. Hanson B. Joyce, of Swan's Island, Me. (No. 248, Appendix M.)

Mr. Chresten Nelson, of Gloucester, Mass., a fisherman and sail-maker, was called, and gave evidence on oath on matters connected with the inquiry. (No. 66, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. S. R. Thomson.

Mr. James W. Pattillo, of North Stoughton, Mass., a retired fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 67, Appendix L.)

The witness was examined by Mr. Trescot.

The Commission adjourned at 4.15 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LIX.

Record of the proceedings of the Fisheries Commission at the fifty-ninth conference, held at Halifax, Nova Scotia, on the 18th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. James W. Pattillo was resumed by Mr. Trescot. This witness was cross-examined by Mr. S. R. Thomson.

Prof. Spencer F. Baird, assistant secretary of the Smithsonian Institute, at Washington, and United States Commissioner of Fish and Fisheries, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 68, Appendix L.)

The witness was examined by Mr. Dana.

The examination of Professor Baird was interrupted in order to call a witness at present in Halifax Harbor.

Mr. William J. Nass, a master mariner and fisherman, of Chester Nova Scotia, a naturalized citizen of the United States, was called, and gave evidence on oath on matters connected with the inquiry. (No. 69, Appendix D.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LX.

Record of the proceedings of the Fisheries Commission at the sixtieth conference, held at Halifax, Nova Scotia, on the 19th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

The examination of Professor Baird was resumed by Dana. The witness was cross-examined by Mr. S. R. Thomson and by Mr. Whiteway.

Mr. Howard M. Churchill, of Rustico, Prince Edward Island, a United States citizen, fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 70, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Isaac O. Hall, of Winthrop, Mass., and of Charlottetown, Prince Edward Island, a fish-merchant, was called and gave evidence on oath on matters connected with the inquiry. (No. 71, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned at 5.10 p. m. until Monday, the 22d October, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXI.

Record of the proceedings of the Fisheries Commission at the sixty first conference, held at Halifax, Nova Scotia, on the 22d day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

Mr. Walter M. Falt, of Gloucester, Mass., engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 72, Appendix L.)

The witness was examined by Mr. Trescot and cross examined by Mr. S. R. Thomson.

Mr. Charles H. Pew, of Gloucester, Mass., a partner in the firm of John Pew & Sons, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 73, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. George W. Plumer, of Gloucester, Mass., a commission merchant and fish-dealer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 74, Appendix L.)

The witness was examined by Mr. Dana.

The Commission adjourned at 4.15 p. m. until the next day, noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXII.

Record of the proceedings of the Fisheries Commission at the sixty-second conference, held at Halifax, Nova Scotia, on the 23d day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. George W. Plumer was resumed by Mr. Dana. The witness was cross-examined by Mr. Weatherbe.

Mr. James A. Pettes, of Grand Manan, a hotel-keeper and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 75, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Joseph Rowe, of Gloucester, Mass., an owner and fitter of fishing vessels, was called, and gave evidence on oath on matters connected with the inquiry. (No. 76, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Roger W. Wonson, of Gloucester, Mass., engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 77, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. S. R. Thomson.

The Commission then adjourned until next day at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL LXIII.

Record of the proceedings of the Fisheries Commission at the sixty-third conference, held at Halifax, Nova Scotia, on the 24th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

Mr. Fitz J. Babson, collector of customs at Gloucester, Mass., was called, and gave evidence on matters connected with the inquiry. (No. 78, Appendix L.)

The witness was examined by Mr. Trescott and cross-examined by Mr. Davies.

Mr. Babson produced a statement, collected by Inspector Blatchford, of the results of fishing operations of certain Gloucester firms.

Upon the presentation of this paper objection was made by Messrs. Thomson and Davies to its being received, upon the ground that the statements therein included were not sworn to.

Mr. Foster submitted that under the treaty he had the right to file this return as evidence, to go for what it was worth before the Commissioners.

The Commissioners so decided, and the paper was accordingly filed. (No. 4, Appendix O.)

Mr. Foster then filed thirty-two affidavits, made by various persons, relative to the present inquiry. (Nos. 249 to 280, inclusive, Appendix M.)

Mr. Foster also handed in a statement of the mackerel inspected at Portsmouth and Newcastle for the years 1869 to 1877, inclusive. (No. 5, Appendix O.)

Also a summary of the annual returns of the inspector-general of fish for the State of Maine for the years 1866 to 1873, inclusive. (No. 6, Appendix O.)

Mr. Foster then stated that the case of the United States was now closed, with the exception of certain returns of the inspector-general of fish of Massachusetts, which, by agreement, were to be introduced when received.

Mr. Daniel M. Browne, of Halifax, Nova Scotia, a retired navigating lieutenant of the Royal Navy, and now a clerk in the marine and fisheries department of Canada, was then called on behalf of Her Majesty's Government, and gave evidence on oath on matters connected with the inquiry. (No. 83, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

This closed the direct evidence on behalf of Her Majesty's Government.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXIV.

Record of the proceedings of the Fisheries Commission at the sixty-fourth conference, held at Halifax, Nova Scotia, on the 25th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The rebuttal evidence on behalf of Her Majesty's Government was commenced.

Mr. Henry Youle Hind, M. A., of Windsor, Nova Scotia, was called, and gave evidence on oath on matters connected with the inquiry. (No. 1, Appendix Q.)

The witness was examined by Mr. S. R. Thomson and by Mr. Whiteway.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXV.

Record of the proceedings of the Fisheries Commission at the sixty fifth conference, held at Halifax, Nova Scotia, on the 26th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Henry Youle Hind was resumed by Mr. Whiteway. The witness was cross-examined by Mr. Dana and by Mr. Foster.

Mr. Lawrence Londrigan, of St. Mary's Bay, Newfoundland, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 48, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Richard Hopkins, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 49, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. James O. Clark, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 50, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned till Monday, the 8th of October, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LI.

Record of the proceedings of the Fisheries Commission at the fifty-first conference, held at Halifax, Nova Scotia, on the eighth day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster presented to the Commissioners and to the Agents of Great Britain copies of 233 affidavits on behalf of the United States, which had been printed in Boston. (Appendix M, 1 to 233.)

The President inquired whether these affidavits were put in without being read by consent of the British side.

Permission was requested by Mr. Weatherbe to state next day what course the British side desired to pursue in this respect.

The examination of Mr. Robert H. Hulbert was resumed by Mr. Foster. The witness was cross-examined by Mr. Davies.

Mr. James Currie, of Pictou, Nova Scotia, a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 51, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Thomson.

Mr. William Perry, of Sheet Harbor, Halifax, Nova Scotia, a seaman and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 52, Appendix L.)

The witness was examined by Mr. Dana and cross examined by Mr. Doutre.

Mr. Thomas Warren, deputy collector of customs, of Deer Isle, State of Maine, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 53, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Wilford J. Fisher, of Eastport, Me, express and commission agent, was called, and gave evidence on oath on matters connected with the inquiry. (No. 54, Appendix L.)

The witness was examined by Mr. Trescot.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LII.

Record of the proceedings of the Fisheries Commission at the fifty-second conference, held at Halifax, Nova Scotia, on the 9th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. S. R. Thomson stated that Her Majesty's Agent had no objection to the affidavits on the part of the United States being filed without being read.

The examination of Mr. Wilford J. Fisher was resumed by Mr. Trescot. The witness was cross-examined by Mr. S. R. Thomson.

Mr. Joseph Lakeman, of Grand Manan, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 55, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Sylvanus Smith, of Gloucester, Mass., an owner of vessels and outfitter, was called, and gave evidence on oath on matters connected with the inquiry. (No. 56, Appendix L.)

The witness was examined by Mr. Foster.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Joshua Paine, of Provincetown, Mass., a merchant and president of an insurance company, was called, and gave evidence on oath on matters connected with the inquiry. (No. 9, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Nathan D. Freeman, of Provincetown, Mass., a merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 10, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Bangs A. Lewis, of Provincetown, Mass., a merchant and outfitter of vessels, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 11, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission then adjourned until Monday, the 24th day of September, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XLI.

Record of the proceedings of the Fisheries Commission at the forty-first conference, held at Halifax, Nova Scotia, on the 24th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James W. Graham, of Wellfleet, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 12, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. Foster then handed in a statement showing the number and tonnage of vessels of the United States employed in the cod and mackerel fisheries, from 1866 to 1876 inclusive. (No. 2, Appendix O.)

Mr. Davies requested that similar returns might be produced showing the statistics for the years 1856 to 1866.

Mr. Daniel C. Newcomb, of Wellfleet, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 13, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Moses Pettingell, of Newburyport, Mass., inspector of customs, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 14, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Isaiah C. Young, of Wellfleet, Mass., an outfitter of vessels, was called, and gave evidence on oath on matters connected with the inquiry. (No. 15, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Weatherbe.

Mr. Timothy A. Daniels, of Wellfleet, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 16, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. D. W. Oliver, of Wellfleet, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 17, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLII.

Record of the proceedings of the Fisheries Commission at the forty-second conference, held at Halifax, Nova Scotia, on the 25th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. George Friend, of Gloucester, Mass., a fisherman and sailmaker, was called, and gave evidence on oath on matters connected with the inquiry. (No. 18, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe, and, by consent, by Mr. Whiteway.

Mr. Charles Henry Orne, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 19, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies, and, by consent, by Mr. Whiteway.

Mr. Benjamin Maddocks, of Gloucester, Mass., a fish-dealer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 20, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Doutre, and, by consent, by Mr. Whiteway.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLIII.

Record of the proceedings of the Fisheries Commission at the forty-third conference, held at Halifax, Nova Scotia, on the 26th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Maddocks was resumed by Mr. Whiteway.

Mr. Andrew Leighton, of Gloucester, Mass., a fisherman, and member of a fishing firm, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 21, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Dana then read affidavits made relative to the present inquiry by the following persons :

Mr. Cristopher C. Poole, of Gloucester, Mass. (No. 234, Appendix M.)

Mr. Russell D. Terry, of Gloucester, Mass. (No. 235, Appendix M.)

Mr. William Herrick, of Swan's Island, Me. (No. 236, Appendix M.)

Mr. Thomas H. White, of Gloucester, Mass. (No. 237, Appendix M.)

Mr. Charles Lee, of Gloucester, Mass. (No. 238, Appendix M.)

[N. B.—Two hundred and thirty-three United States affidavits had been already printed in Boston, but not as yet submitted to the Commission.]

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLIV.

Record of the proceedings of the Fisheries Commission at the forty-fourth conference, held at Halifax, Nova Scotia, on the 27th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Aaron Riggs, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 22, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. John J. Rowe, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 23, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. John H. Gale, of Gloucester, Mass., packer and deputy inspector of mackerel for the city of Gloucester, was called, and gave evidence on oath on matters connected with the inquiry. (No. 24, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned at 4.10 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGE.

PROTOCOL XLV.

Record of the proceedings of the Fisheries Commission at the forty-fifth conference, held at Halifax, Nova Scotia, on the 28th day of September, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. John S. Evitt, of Bay of Islands, Newfoundland, a master mariner and dealer in fish, was called, and gave evidence on oath on matters connected with the inquiry. (No. 25, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies, and by consent by Mr. Whiteway.

Mr. Davies requested permission to examine a witness on behalf of Her Majesty's Government. The request was granted; and

Mr. William B. Smith, of Cape Sable Island, Barrington, Nova Scotia, a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 82, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. William B. Smith was recalled and cross-examined on certain points.

Mr. Benjamin F. Cook, of Gloucester, Mass., inspector of customs, was called, and gave evidence on oath on matters connected with the inquiry. (No. 26, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. Edwin Smith, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 27, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

The Commission adjourned at 4 p. m. till Monday, the 1st day of October, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XLVI.

Record of the proceedings of the Fisheries Commission at the forty-sixth conference, held at Halifax, Nova Scotia, on the 1st day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster handed in a copy of the judgment of His Honor Judge Hazen in the case of the *White Fawn*. (No. 1, Appendix P.)

Mr. John McInnis, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No 28, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Joseph O. Procter, of Gloucester, Mass., engaged in the fishing business, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 29, Appendix L.)

The witness was examined by Mr. Trescott and cross-examined by M. Davies and re-examined by Mr. Foster.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL XLVII.

Record of the proceedings of the Fisheries Commission, at the forty-second conference, held at Halifax, Nova Scotia, on the 2d day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Sydney Gardner, of Gloucester, Mass., inspector of customs, was called, and gave evidence on oath on matters connected with the inquiry. (No. 30, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Stephen J. Martin, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 31, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Michael Macauley, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 32, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies and, by consent, by Mr. Whiteway.

Mr. S. J. Martin was recalled and re-examined by Mr. Dana. Mr. Weatherbe cross-examined.

Mr. Ezra Turner, of Isle of Haut, State of Maine, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 33, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLVIII.

Record of the proceedings of the Fisheries Commission at the forty-eighth conference, held at Halifax, Nova Scotia, on the 3d day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Ezra Turner was resumed by Mr. Weatherbe.

Mr. Samuel T. Rowe, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 34, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Moses Tarr, of Gloucester, Mass., a fisherman and fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 35, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Weatherbe.

Mr. Benjamin Ashby, jr., of Noank, Conn., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 36, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

The Commission then adjourned till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL XLIX.

Record of the proceedings of the Fisheries Commission at the forty-ninth conference, held at Halifax, Nova Scotia, on the 4th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Davies handed in reports, extracted from Canadian newspapers, of judgments delivered by Sir William Young, in the vice-admiralty court of Halifax, on the following cases:

The Wampatuck, 6th December, 1870. (No. 2, Appendix P.)

The A. H. Wanson, 10th February, 1871. (No. 3, Appendix P.)

The A. J. Franklin, 10th February, 1871. (No. 4, Appendix P.)

The J. H. Nickerson, November, 1871. (No. 5, Appendix P.)

Mr. Joseph F. Brown, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 37, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Peter H. Mills, of Deer Isle, Me., a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 38, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. William H. McDonald, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 39, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Whiteway.

Mr. William A. Dickey, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 40 Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Doutre.

Mr. Alvarado Gray, of Brooksville, State of Maine, a fisherman, was

called, and gave evidence on oath on matters connected with the inquiry. (No. 41, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe and by Whiteway.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL L.

Record of the proceedings of the Fisheries Commission at the fiftieth conference, held at Halifax, Nova Scotia, on the 5th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Robert H. Hulbert, of Gloucester, Mass., a fisherman, and pilot of the United States steamer Speedwell, was called, and gave evidence on oath on matters connected with the inquiry. (No. 42, Appendix L.)

The witness was partially examined by Mr. Foster, who requested permission to reserve the remainder of the examination until some fishermen at present in the port of Halifax had given their testimony.

Mr. Castanus M. Smalley, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 43, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Edward A. Googins, of Portland, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 44, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Isaac Burgess, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 45, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Charles H. Brier, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 46, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Doutre.

Mr. Dexter F. Walsh, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 47, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Lawrence Londrigan, of St. Mary's Bay, Newfoundland, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 48, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Richard Hopkins, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 49, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. James O. Clark, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 50, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned till Monday, the 8th of October, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LI.

Record of the proceedings of the Fisheries Commission at the fifty-first conference, held at Halifax, Nova Scotia, on the eighth day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster presented to the Commissioners and to the Agents of Great Britain copies of 233 affidavits on behalf of the United States, which had been printed in Boston. (Appendix M, 1 to 233.)

The President inquired whether these affidavits were put in without being read by consent of the British side.

Permission was requested by Mr. Weatherbe to state next day what course the British side desired to pursue in this respect.

The examination of Mr. Robert H. Hulbert was resumed by Mr. Foster. The witness was cross-examined by Mr. Davies.

Mr. James Currie, of Pictou, Nova Scotia, a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 51, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Thomson.

Mr. William Perry, of Sheet Harbor, Halifax, Nova Scotia, a seaman and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 52, Appendix L.)

The witness was examined by Mr. Dana and cross examined by Mr. Doutre.

Mr. Thomas Warren, deputy collector of customs, of Deer Isle, State of Maine, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 53, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Wilford J. Fisher, of Eastport, Me, express and commission agent, was called, and gave evidence on oath on matters connected with the inquiry. (No. 54, Appendix L.)

The witness was examined by Mr. Trescot.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LII.

Record of the proceedings of the Fisheries Commission at the fifty-second conference, held at Halifax, Nova Scotia, on the 9th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. S. R. Thomson stated that Her Majesty's Agent had no objection to the affidavits on the part of the United States being filed without being read.

The examination of Mr. Wilford J. Fisher was resumed by Mr. Trescot. The witness was cross-examined by Mr. S. R. Thomson.

Mr. Joseph Lakeman, of Grand Manan, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 55, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Sylvanus Smith, of Gloucester, Mass., an owner of vessels and outfitter, was called, and gave evidence on oath on matters connected with the inquiry. (No. 56, Appendix L.)

The witness was examined by Mr. Foster.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LIII.

Record of the proceedings of the Fisheries Commission at the fifty-third conference, held at Halifax, Nova Scotia, on the 10th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Sylvanus Smith was resumed by Mr. Foster.

The witness was cross-examined by Mr. Davies.

Mr. Gilman S. Williams, of Gloucester, Mass., a police officer, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No 57, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. S. R. Thomson.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KEI LOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LIV.

Record of the proceedings of the Fisheries Commission at the fifty-fourth conference, held at Halifax, Nova Scotia, on the 11th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Williams was resumed by Mr. S. R. Thomson.

Mr. David W. Low, of Gloucester, Mass., postmaster, was called, and gave evidence on oath on matters connected with the inquiry. (No. 58, Appendix L.)

The witness was examined by Mr. Dana.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LV.

Record of the proceedings of the Fisheries Commission at the fifty-fifth conference, held at Halifax, Nova Scotia, on the 12th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. David W. Low was resumed by Mr. Dana.

The witness was cross-examined by Mr. Davies.

The Commission adjourned at 4 p. m. until Monday, the 15th day of October, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LVI.

Record of the proceedings of the Fisheries Commission at the fifty-sixth conference, held at Halifax, Nova Scotia, on the 15th day of October, 1877.

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. David W. Low was resumed by Mr. Davies and by Mr. Whiteway.

The witness was re-examined by Mr. Dana, and again cross-examined by Mr. Davies and by Mr. Whiteway.

Mr. Dana and Mr. Foster then read affidavits made relative to the present inquiry by the following persons :

Mr. Joseph McPhee, of Gloucester, Mass. (No. 239, Appendix M.)

Mr. William Parsons, of Gloucester, Mass. (No. 240, Appendix M.)

Mr. Solomon Pool, of Gloucester, Mass. (No. 241, Appendix M.)

Mr. Benjamin Swim, of Gloucester, Mass. (No. 242, Appendix M.)

Mr. Charles F. Carter, of Gloucester, Mass. (No. 243, Appendix M.)

The Commission then adjourned until next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LVII.

Record of the proceedings of the Fisheries Commission at the fifty-seventh conference, held at Halifax, Nova Scotia, on the 16th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Eliphalet W. French, of Eastport, Me., a fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 59, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Foster then read affidavits made relative to the present inquiry by the following persons:

Mr. Winthrop Thurston, of Rockport, Mass. (No. 244, Appendix M.)

Mr. James A. Colson, of Gloucester, Mass. (No. 245, Appendix M.)

Mr. Henry G. Coas, of Gloucester, Mass. (No. 246, Appendix M.)

Mr. Joseph J. Tupper, of Gloucester, Mass. (No. 247, Appendix M.)

Mr. William Davis, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 60, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. William O. Cook, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 61, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Edward Hill, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 62, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. S. R. Thomson.

Mr. John Conley, of Rockport, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 63, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. John C. Knowlton, of Rockport, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 64, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. S. R. Thomson.

The Commission then adjourned till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LVIII.

Record of the proceedings of the Fisheries Commission at the fifty-eighth conference, held at Halifax, Nova Scotia, on the 17th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James H. Myrick, of Boston, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 65, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Foster then read an affidavit made relative to the present inquiry by Mr. Hanson B. Joyce, of Swan's Island, Me. (No. 248, Appendix M.)

Mr. Chresten Nelson, of Gloucester, Mass., a fisherman and sail-maker, was called, and gave evidence on oath on matters connected with the inquiry. (No. 66, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. S. R. Thomson.

Mr. James W. Pattillo, of North Stoughton, Mass., a retired fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 67, Appendix L.)

The witness was examined by Mr. Trescott.

The Commission adjourned at 4.15 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LIX.

Record of the proceedings of the Fisheries Commission at the fifty-ninth conference, held at Halifax, Nova Scotia, on the 18th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. James W. Pattillo was resumed by Mr. Trescott. This witness was cross-examined by Mr. S. R. Thomson.

Prof. Spencer F. Baird, assistant secretary of the Smithsonian Institute, at Washington, and United States Commissioner of Fish and Fisheries, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 68, Appendix L.)

The witness was examined by Mr. Dana.

The examination of Professor Baird was interrupted in order to call a witness at present in Halifax Harbor.

Mr. William J. Nass, a master mariner and fisherman, of Chester, Nova Scotia, a naturalized citizen of the United States, was called, and gave evidence on oath on matters connected with the inquiry. (No. 69, Appendix D.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LX.

Record of the proceedings of the Fisheries Commission at the sixtieth conference, held at Halifax, Nova Scotia, on the 19th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

The examination of Professor Baird was resumed by Dana. The witness was cross-examined by Mr. S. R. Thomson and by Mr. Whiteway.

Mr. Howard M. Churchill, of Rustico, Prince Edward Island, a United States citizen, fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 70, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Isaac O. Hall, of Winthrop, Mass., and of Charlottetown, Prince Edward Island, a fish-merchant, was called and gave evidence on oath on matters connected with the inquiry. (No. 71, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned at 5.10 p. m. until Monday, the 22d October, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXI.

Record of the proceedings of the Fisheries Commission at the sixty first conference, held at Halifax, Nova Scotia, on the 22d day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

Mr. Walter M. Falt, of Gloucester, Mass., engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 72, Appendix L.)

The witness was examined by Mr. Trescot and cross examined by Mr. S. R. Thomson.

Mr. Charles H. Pew, of Gloucester, Mass., a partner in the firm of John Pew & Sons, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 73, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. George W. Plumer, of Gloucester, Mass., a commission merchant and fish-dealer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 74, Appendix L.)

The witness was examined by Mr. Dana.

The Commission adjourned at 4.15 p. m. until the next day, noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXII.

Record of the proceedings of the Fisheries Commission at the sixty-second conference, held at Halifax, Nova Scotia, on the 23d day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. George W. Plumer was resumed by Mr. Dana. The witness was cross-examined by Mr. Weatherbe.

Mr. James A. Pettes, of Grand Manan, a hotel-keeper and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 75, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Joseph Rowe, of Gloucester, Mass., an owner and fitter of fishing vessels, was called, and gave evidence on oath on matters connected with the inquiry. (No. 76, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Roger W. Wonson, of Gloucester, Mass., engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 77, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. S. R. Thomson.

The Commission then adjourned until next day at noon.

MAURIOE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXIII.

Record of the proceedings of the Fisheries Commission at the sixty-third conference, held at Halifax, Nova Scotia, on the 24th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

Mr. Fitz J. Babson, collector of customs at Gloucester, Mass., was called, and gave evidence on matters connected with the inquiry. (No. 78, Appendix L.)

The witness was examined by Mr. Trescott and cross-examined by Mr. Davies.

Mr. Babson produced a statement, collected by Inspector Blatchford, of the results of fishing operations of certain Gloucester firms.

Upon the presentation of this paper objection was made by Messrs. Thomson and Davies to its being received, upon the ground that the statements therein included were not sworn to.

Mr. Foster submitted that under the treaty he had the right to file this return as evidence, to go for what it was worth before the Commissioners.

The Commissioners so decided, and the paper was accordingly filed. (No. 4, Appendix O.)

Mr. Foster then filed thirty-two affidavits, made by various persons, relative to the present inquiry. (Nos. 249 to 280, inclusive, Appendix M.)

Mr. Foster also handed in a statement of the mackerel inspected at Portsmouth and Newcastle for the years 1869 to 1877, inclusive. (No. 5, Appendix O.)

Also a summary of the annual returns of the inspector-general of fish for the State of Maine for the years 1866 to 1873, inclusive. (No. 6, Appendix O.)

Mr. Foster then stated that the case of the United States was now closed, with the exception of certain returns of the inspector-general of fish of Massachusetts, which, by agreement, were to be introduced when received.

Mr. Daniel M. Browne, of Halifax, Nova Scotia, a retired navigating lieutenant of the Royal Navy, and now a clerk in the marine and fisheries department of Canada, was then called on behalf of Her Majesty's Government, and gave evidence on oath on matters connected with the inquiry. (No. 83, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

This closed the direct evidence on behalf of Her Majesty's Government.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXIV.

Record of the proceedings of the Fisheries Commission at the sixty-fourth conference, held at Halifax, Nova Scotia, on the 25th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The rebuttal evidence on behalf of Her Majesty's Government was commenced.

Mr. Henry Youle Hind, M. A., of Windsor, Nova Scotia, was called, and gave evidence on oath on matters connected with the inquiry. (No. 1, Appendix Q.)

The witness was examined by Mr. S. R. Thomson and by Mr. Whiteway.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXV.

Record of the proceedings of the Fisheries Commission at the sixty-fifth conference, held at Halifax, Nova Scotia, on the 26th day of October, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Henry Youle Hind was resumed by Mr. Whiteway. The witness was cross-examined by Mr. Dana and by Mr. Foster.

Mr. Whiteway then read an affidavit made relative to the present inquiry by Mr. Thomas Rumsey, of St. John's, Newfoundland. (No. 1, Appendix Q.)

Mr. Foster filed a copy of an insurance policy in the Gloucester Mutual Fishing Insurance Company, accompanied by the by-laws of the said company. (Nos. 1 and 2, Appendix R.)

Mr. Foster also filed, by consent, a copy of a fishing shipping paper (No. 3, Appendix R);

And presented returns of the mackerel inspected in the State of Massachusetts for several years.

A summary of these will be found in No. 7, Appendix O.

The Commission then adjourned till Thursday, the 1st of November, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL LXVI.

Record of the proceedings of the Fisheries Commission at the sixty-sixth conference, held at Halifax, Nova Scotia, on the 1st day of November, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Whiteway read affidavits, made relative to the present inquiry, by the following persons resident in Newfoundland:

Mr. Robert Inkpen, of Burin. (No. 2, Appendix Q.)

Mr. Stephen Power, of Placentia. (No. 3, Appendix Q.)

Mr. Stephen Fiander, of Coomb's Cove. (No. 4, Appendix Q.)

Mr. Philip Thornhill, of Anderson's Cove. (No. 5, Appendix Q.)

Mr. George Rose, of Jersey Harbor. (No. 6, Appendix Q.)

Mr. Maurice Bonia, of Placentia. (No. 7, Appendix Q.)

Mr. Humphrey Sullivan, of Placentia. (No. 8, Appendix Q.)

Mr. Doutre then stated that the case of Her Majesty's Government was now altogether closed.

Mr. Foster stated that he hoped to be prepared to address the court on Monday, the 5th of November, and the Commission accordingly adjourned until that day at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL LXVII.

Record of the proceedings of the Fisheries Commission at the sixty seventh conference, held at Halifax, Nova Scotia, on the 5th day of November, 1877.

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster commenced the closing argument on behalf of the United States. (No. 4, Appendix J.)

The Commission adjourned at 3.30 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXVIII.

Record of the proceedings of the Fisheries Commission at the sixty eighth conference, held at Halifax, Nova Scotia, on the 6th day of November, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster resumed his address left unfinished the previous day.

On the conclusion of his speech Mr. Foster requested permission to be absent for a few days on urgent private affairs. He suggested that during his absence the records should be signed on his behalf by Mr. R. H. Dana, Junr.

The proposal was accepted by the Commissioners.

The Commission then adjourned until Thursday, the 8th of November, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

RICH. H. DANA, JUNR.

J. H. G. BERGNE.

PROTOCOL LXIX.

Record of the proceedings of the Fisheries Commission at the sixty-ninth conference, held at Halifax, Nova Scotia, on the 8th day of November, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States (Mr. R. H. Dana, jr., acting) and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Trescot addressed the Commissioners in continuation of the closing arguments on behalf of the United States. (No. 5, Appendix J.)

On the conclusion of Mr. Trescot's address, the Commission adjourned until the next day at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
RICH. H. DANA, JUNR.
J. H. G. BERGNE.

PROTOCOL LXX.

Record of the proceedings of the Fisheries Commission at the seventieth conference, held at Halifax, Nova Scotia, on the 9th day of November, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States (Mr. R. H. Dana, jr., acting) and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Dana addressed the Commissioners in continuation of the closing arguments on behalf of the United States. (No. 6, Appendix J.)

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL LXXI.

Record of the proceedings of the Fisheries Commission, at the seventy-first conference, held at Halifax, Nova Scotia, on the 10th day of November, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States (Mr. R. H. Dana, jr., acting) and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Dana resumed his speech left unfinished the previous day.

This concluded the final arguments on behalf of the United States.

Mr. Thomson then stated that the British counsel would be prepared to commence the closing arguments on behalf of Her Britannic Majesty's Government on Thursday, the 15th of November; and the Commission accordingly adjourned until that day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXXII.

Record of the proceedings of the Fisheries Commission at the seventy-second conference, held at Halifax, Nova Scotia, on the 15th day of November, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States (Mr. R. H. Dana, jr., acting) and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Whiteway commenced the closing arguments on behalf of Her Britannic Majesty's Government. (No. 7, Appendix J.)

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXXIII.

Record of the proceedings of the Fisheries Commission at the seventy-third conference, held at Halifax, Nova Scotia, on the 16th day of November, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Doutre addressed the Commission in continuation of the closing arguments on behalf of Her Majesty's Government. (No. 8, Appendix J.)

The Commission adjourned until Saturday, the 17th November, at 3 p. m.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL LXXIV.

Record of the proceedings of the Fisheries Commission at the seventy-fourth conference, held at Halifax, Nova Scotia, on the 17th day of November, 1877.

The Commission met at 3 p. m., as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Doutre resumed his speech left unfinished the previous day.

The Commission adjourned at 4.20 p. m. until Monday, the 19th of November, at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL LXXV.

Record of the proceedings of the Fisheries Commission at the seventy-fifth conference, held at Halifax, Nova Scotia, on the 19th day of November, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. S. R. Thomson addressed the Commissioners in continuation of the closing arguments on behalf of Her Britannic Majesty's Government. (No. 9, Appendix J.)

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

PROTOCOL LXXVI.

Record of the proceedings of the Fisheries Commission at the seventy-sixth conference, held at Halifax, Nova Scotia, on the 20th day of November, 1877.

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. S. R. Thomson resumed his address left unfinished the previous day.

The Commission adjourned until the next day at 11 a. m.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXXVII.

Record of the proceedings of the Fisheries Commission at the seventy-seventh conference, held at Halifax, Nova Scotia, on the 21st day of November, 1877.

The Commission met at 11 a. m., as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. S. R. Thomson resumed his address left unfinished the previous day, and on its conclusion stated that the case on behalf of the United States having been concluded, that of Her Majesty's Government was now finally closed.

The President then requested the Secretary to enter on the minutes that the Commissioners desired to record their thanks to Mr. Bergne for his services as Secretary to the Commission, and their sense of the zeal, intelligence, and accuracy which had marked the discharge of his duties.

The Commission adjourned until Friday, the 23d of November, at 2 p. m.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

PROTOCOL LXXVIII.

Record of the proceedings of the Fisheries Commission at the seventy-eighth conference, held at Halifax, Nova Scotia, on the 23d day of November, 1877.

The Commission met at 2 p. m., pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The President first expressed the thanks of the Commissioners to Mr. Foster and to Mr. Ford for the able manner in which they had conducted the proceedings, and his best wishes for the welfare of all those who had been connected with the inquiry.

The President then read the following Award :

The undersigned Commissioners appointed under Articles XXII and XXIII of the Treaty of Washington of the 8th of May, 1871, to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of said treaty, the amount of any compensation which in their opinion ought to be paid by the Government of the United States to the Government of Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States under Article XVIII of the said treaty ;

Having carefully and impartially examined the matters referred to them according to justice and equity, in conformity with the solemn declaration made and subscribed by them on the fifteenth day of June, one thousand eight hundred and seventy-seven :

Award the sum of five millions five hundred thousand dollars, in gold, to be paid by the Government of the United States to the Government of Her Britannic Majesty in accordance with the provisions of the said treaty.

Signed at Halifax, this twenty-third day of November, one thousand eight hundred and seventy-seven.

MAURICE DELFOSSE.
A. T. GALT.

The United States Commissioner is of opinion that the advantages accruing to Great Britain under the Treaty of Washington are greater than the advantages conferred on the United States by said treaty, and he cannot therefore concur in the conclusions announced by his colleagues.

And the American Commissioner deems it his duty to state further that it is questionable whether it is competent for the board to make an award under the treaty, except with the unanimous consent of its members.

E. H. KELLOGG, *Commissioner*.

Mr. Foster then addressed the Commission as follows :

GENTLEMEN OF THE COMMISSION: I have no instructions from the Government of the United States as to the course to be pursued in the contingency of such a result as has just been announced.

But if I were to accept in silence the paper signed by two Commissioners, it might be claimed hereafter that, as Agent of the United States, I had acquiesced in treating it as a valid award. Against such an inference it seems my duty to guard. I therefore make this statement, which I desire to have placed upon record.

Mr. Kellogg next expressed his thanks and those of Sir A. T. Galt to Mr. Delfosse for the manner in which he had fulfilled the duties of President of the Commission.

The President then announced that the Commission was adjourned *sine die*.

MAURICE DELFOSSE.
E. H. KELLOGG.
A. T. GALT.
FRANCIS CLARE FORD.
DWIGHT FOSTER.
J. H. G. BERGNE.

APPENDIX A.

FISHERY COMMISSION UNDER THE TREATY OF WASHINGTON, OF MAY 8, 1871.

CASE OF HER MAJESTY'S GOVERNMENT.

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INTRODUCTION.

In laying the case of Her Majesty's Government before the Commissioners, it will be desirable to commence by a brief history of the fisheries question since the outbreak of the War of Independence in 1775.

Before the commencement of this war all British colonists enjoyed equal privileges in matters connected with fishing, but at its close, and on the conclusion of peace, it became a question how far such privileges should be restored to those who had separated from the British Crown. The matter was very fully discussed in the negotiations which preceded the treaty of the 3d September, 1783, and though Great Britain did not deny the right of the American citizens to fish on the Great Banks of Newfoundland, or in the Gulf of Saint Lawrence, or elsewhere in the open sea, she denied their right to fish in British waters, or to land in British territory for the purpose of drying or curing their fish. A compromise was at length arrived at, and it was agreed that United States fishermen should be at liberty to fish on such part of the coast of Newfoundland as British fishermen could use, but not to dry or cure their fish on that island; and they were also to be allowed to fish on the coasts, bays, and creeks of other British possessions in North America, and to dry and cure their fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, the Magdalen Islands, and Labrador, so long as they should remain unsettled; but so soon as any of them became settled, the United States fishermen were not to be allowed to use them without the previous permission of the inhabitants and proprietors of the ground.

The III. Article of the Treaty of Paris of the 3d of September, 1783, is as follows:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the Gulf of Saint Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

It should, however, be observed that the rights conceded to the United States fishermen under this treaty were by no means so great as those which, as British subjects, they had enjoyed previous to the War of Independence, for they were not to be allowed to land to dry and cure their fish on any part of Newfoundland, and only in those parts of Nova Scotia, the Magdalen Islands, and Labrador where no British settlement had been or might be formed, expressly excluding Cape Breton, Prince Edward Island, and other places.

So matters stood until the war of 1812 broke out, when, of necessity, the right of American citizens to fish in British waters, and to dry and cure their fish on British territory, terminated. In the course of the negotiations which preceded the peace of 1814, this question was revived, and the alleged right of American citizens to fish and cure fish within British jurisdiction was fully gone into by the British and American commissioners who were assembled at Ghent for the purpose of drawing up the articles of peace. At that time, however, the circumstances had very considerably changed since the Treaty of 1783 had been concluded. The British North American possessions had become more thickly populated, and there were fewer unsettled bays, harbors, and creeks in Nova Scotia than formerly. There was consequently greater risk of collision between British and American interests; and the colonists and English merchants engaged in the fisheries petitioned strongly against a renewal of the privileges granted by the treaty of 1783 to the American fishermen.

It was under these circumstances that the negotiations for peace were entered into. At the first meeting, which took place on the 8th of August, 1814, the British commissioners stated "that the British Government did not intend to grant to the United State gratuitously the privileges formerly granted to them by treaty of fishing within the limits of British territory, or of using the shores of the British territories for purposes connected with the fisheries." They contended that the claim advanced by the United States, of immemorial and prescriptive right, was quite untenable, inasmuch as the inhabitants of the United States had until quite recently been British subjects, and that the rights which they possessed formerly as such could not be continued to them after they had become citizens of an independent state.

After much discussion, it was finally agreed to omit all mention of this question from the treaty, which was signed at Ghent on the 24th December, 1814, and which contains no reference to the fisheries question.

Orders were now sent out to the governors of the British North American colonies not to interfere with citizens of the United States engaged in fishing on the Newfoundland Banks, in the Gulf of Saint Lawrence, or on the high seas, but to prevent them from using the British territory for purposes connected with the fishery, and to exclude their fishing-vessels from the harbors, bays, rivers, and creeks of all Her Majesty's Possessions. Orders were also given to the British naval officers on the Halifax station to resist any encroachment on the part of American fishermen on the rights of Great Britain. The result was the capture of several American fishing-vessels for trespassing within British waters; and the President of the United States in 1818 proposed to the Prince Regent that negotiations should be opened for the purpose of settling in an amicable manner disputed points which had arisen connected with the fisheries. Commissioners were accordingly appointed by both parties to meet in London, and the Convention of 20th October, 1818, was eventually signed.

Article 1 of this Convention is in these words :

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours and creeks of His Britannick Majesty's dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannick Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Jolly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbours and creeks of the southern part of the coast of Newfoundland, hereabove described and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannick Majesty's dominions in America not included within the above-mentioned limits. Provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as shall be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privilege hereby reserved to them.

Subsequent to the conclusion of this Convention, in consequence of numerous complaints on the part of Her Majesty's Government of encroachments on their waters by American fishermen, the United States Government issued a notice warning their subjects that they were "to observe strictly the limits assigned for taking, drying, and curing, fish by the fishermen of the United States, under the 1st Article of the Convention of the 20th of October, 1818," a copy of which was annexed to the circular notice.

This was the state of affairs until the year 1847, when, in consequence of a petition addressed to the Queen by the Canadian Parliament, negotiations were opened between the two governments for the establishment of reciprocal free trade between Canada and the United States; and on the 1st of November, 1849, Sir H. Bulwer, who was then about to proceed to Washington as British Minister, was authorized to enter into a negotiation by which access to the fisheries of all the colonies (except Newfoundland, which refused to consent on any terms) should be given to the citizens of the United States, in return for reciprocity of trade with the United States, in all natural productions, such as fish, wheat, timber, &c.

The proposal was favorably received by the United States Government, but some delay occurred, owing to the death of General Taylor in 1850. The new President, however, doubted whether it was a proper subject for a Treaty, and thought that it should be done by legislation, and accordingly a bill was brought in for the purpose. The bill was, however, thrown out, and from one cause or another nothing was done from that time until 1852, when a desire was evinced on the part of the United States Government to come to an arrangement on the subject, and a draft convention having been prepared, a copy thereof was sent home by the British Minister on the 19th December, 1852, together with remarks made by the President thereon.

A good deal of correspondence passed between the two Governments on the subject, but, owing to difficulties connected with the question of Tariff, the United States Government appeared anxious to have the

Fisheries Question dealt with separately, but to this the British Government would not assent. The fishing season of 1853 accordingly opened without any agreement having been come to with the United States, and fortunately, owing to the measures taken by both Governments for the preservation of British rights, came to a close without the occurrence of further causes of dissatisfaction.

In the mean time, negotiations for a Treaty had been continued by the two Governments; and in the month of May, 1854, Lord Elgin, who was on his way to resume his duties as Governor-General of Her Majesty's North American Provinces, received instructions to visit Washington, and to ascertain the views of the United States Government, and any favorable opportunity presented itself, to conclude a Treaty on the subject. So successfully were Lord Elgin's negotiations conducted, that in a letter dated 12th June, 1854, he was able to announce that he had executed a Treaty with Mr. Secretary Marcy relative to Fisheries and Reciprocity of Trade between the United States and the British Provinces in North America. This was the Reciprocity Treaty signed on the 5th June, 1854, and confirmed by the United States Senate on the 31st August of the same year. Its main provisions were as follows:

British waters on the east coast of North America were thrown open to United States citizens, and United States waters north of the 36th degree of north latitude were thrown open to British fishermen; excepting always the salmon and shad fisheries (which were exclusively reserved to the subjects of each country), and certain rivers and mouths of rivers to be determined by a Commission to be appointed for that purpose. Certain articles of produce of the British Colonies and of the United States were admitted to each country, respectively, free of duty. The Treaty was to remain in force for ten years, and further for twelve months after either party should have given notice to the other of its wish to terminate the same.

Some difficulty was experienced in regard to Newfoundland, but at length a clause was agreed to, providing that if the Imperial Parliament of Great Britain, the Provincial Parliament of Newfoundland, and the Congress of the United States should agree that Newfoundland should be included, all the provisions and stipulations of the Treaty should apply to that Colony.

The Commission for the designation of the places reserved to each country from the common right of fishing met subsequently, and was engaged for some years in determining the places to which the exclusive right of fishing applied. It is, however, unnecessary here to do more than notice this fact, as the reservations in question are expressly mentioned under Article XX of the Treaty of Washington of 1871.

From the year 1854 until 1865 the Reciprocity Treaty continued in force, and no further difficulties appear to have arisen on questions connected with the Fisheries; but on the 17th of March of that year, Mr. Adams, the United States Minister in England, informed the British Government that he was instructed to give notice that at the expiration of twelve months from that day the Reciprocity Treaty was to terminate. This notice was given in pursuance of a Resolution of Congress approved by the President of the United States.

Efforts were made on the part of Her Majesty's Government toward a renewal of the treaty, but these, from various reasons, proving unsuccessful, the Treaty came to an end on the 17th of March, 1866; and, as a consequence, the provisions of the Convention of 1818 revived on the same day, and remain in effect at the present moment, except in so far

as they are affected by the stipulations of the Treaty of Washington 1871.

In the mean time a notice had been issued by Lord Monck warning the citizens of the United States that their right to fish in British waters would cease on the 17th of March, 1866; and it became necessary to consider what measures should be adopted for the protection of British rights. Her Majesty's Government were very desirous to prevent, far as possible, the injury and loss which must be inflicted upon citizens of the United States by a sudden withdrawal of the privileges enjoyed by them for twelve years; but with every desire in this direction, they found themselves bound by acts both of the Imperial and Colonial Legislatures to enforce severe penalties upon all persons, not being British subjects, who might be found fishing within British jurisdiction.

Eventually, however, on the suggestion of Lord Monck, it was decided that American fishermen should be allowed during the year 1866 to fish in all provincial waters upon the payment of a nominal license fee, to be exacted as a formal recognition of right. This system, after being maintained for four years, was discontinued, owing to the neglect of American fishermen to provide themselves with licenses; and in 1870 it again became necessary to take strict measures for the enforcement of British rights. Orders were given to Admiral Wellesley to dispatch a sufficient force to Canadian waters to insure the protection of Canadian fishermen and the maintenance of order, and to instruct the senior officer of such force to co-operate cordially with any United States force sent on the same service. It was also found necessary to employ a local marine police force for the same purpose.

The result of these measures was the capture and forfeiture of several American vessels for infringing the provisions of the Convention of 1818, both by fishing within British waters and by frequenting Canadian ports for objects not permitted by the Convention, and notwithstanding the steps taken by the British Government to mitigate as far as possible the stringency of the orders given for the exclusion of American fishermen from British waters, it was found at the close of the season of 1870 that many seizures of American vessels had been made by cruisers both of the Imperial and Dominion Governments.

The difficulties caused by these untoward events subsequently led to the reopening of negotiations for the settlement of questions connected with the Fisheries.

It is unnecessary here to relate the circumstances which led to the appointment of the Joint High Commission in 1871. Suffice it to say that, towards the end of 1870 Sir John Rose, having been commissioned to proceed in an unofficial character to Washington for the purpose of ascertaining the views of the United States on the subject, was able in the month of February, 1871, to announce that the United States Government were prepared to refer all questions between the two countries to a Joint High Commission.

The Commissioners held their first meeting at Washington, on the 27th February, 1871, and the treaty was signed on the 8th of May of the same year.

FISHERY ARTICLES OF THE TREATY OF WASHINGTON.

The articles in this treaty relating to the Fisheries, and in virtue of which this commission is constituted, are Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXXII, and XXXIII. They are as follows :

ARTICLE XVIII.

It is agreed by the High Contracting Parties, that in addition to the liberty secured to the United States fishermen by the Convention between Great Britain and the United States, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish ; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries and all other fisheries in rivers and the mouth of rivers, are hereby reserved exclusively for British fishermen.

ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish ; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the 1st Article of the treaty between Great Britain and the United States, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said 1st Article of the treaty of the 5th of June, 1854.

ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country respectively free of duty.

ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of the treaty are of greater value than those accorded by Articles XIX and XXI of the treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of the treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say; One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its Agent, to represent it generally in all matters connected with the Commission.

ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners, appointed under Articles XXII and XXIII of this treaty, shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two governments in equal moieties.

ARTICLE XXXII.

It is further agreed, that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect, but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX, of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterward.

The acts necessary to enable these articles to be carried into effect were passed by the Imperial Parliament of Great Britain on the 6th August, 1872; by the parliament of Canada on the 14th June, 1872; by the legislature of Prince Edward Island (which did not at that time form part of the Dominion) on the 29th June, 1872; and by the United States Congress on the 25th of February, 1873. A proclamation, dated Washington, 7th June, 1873, fixes the 1st of July of that year as the day on which these articles should come formally into operation.

Some difficulties having arisen in the case of Newfoundland, it was not until the 28th of March, 1874, that the necessary act was passed by that colony; and a proclamation issued on the 29th of May, of the same year, fixed the 1st day of June, 1874, as the day on which the Fishery Articles of the Treaty of Washington, so far as they relate to Newfoundland, should come into effect.

In the case of Canada, it was deemed advisable to admit American fishermen to the practical use of the privileges specified in the treaty in advance of the formal legislative acts necessary for that purpose. An official communication to that effect was made early in 1873, and by a circular from the United States Treasury Department, dated 1st April, 1873, American fishermen at once availed themselves of the freedom of Canadian inshore waters. This was fitly acknowledged by the United States Government as "a liberal and friendly" act on the part of the Dominion Government. A similar concession had been previously made by the government of Prince Edward Island, who admitted American fishermen to the practical freedom of their waters on the 24th of July, 1871.

The Treaty of Washington having been ratified, it became necessary to take steps for the constitution of the Commission appointed to meet at Halifax, in the manner prescribed by the treaty, and in the meanwhile, Her Majesty's Government having appointed their Agent to the Commission, he proceeded to Washington, and some negotiations were entered into with a view to substitute an arrangement with respect to reciprocal free trade between Canada and the United States, for the award of the Commissioners, as provided under Article XXII of the treaty; it being always distinctly understood that, in case of the failure of such negotiations, the rights of Her Majesty's Government with respect to the appointment of the Commission should in no way be prejudiced. These negotiations having led to no result, it became neces-

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INTRODUCTION.

In laying the case of Her Majesty's Government before the Commissioners, it will be desirable to commence by a brief history of the fisheries question since the outbreak of the War of Independence in 1775.

Before the commencement of this war all British colonists enjoyed equal privileges in matters connected with fishing, but at its close, and on the conclusion of peace, it became a question how far such privileges should be restored to those who had separated from the British Crown. The matter was very fully discussed in the negotiations which preceded the treaty of the 3d September, 1783, and though Great Britain did not deny the right of the American citizens to fish on the Great Banks of Newfoundland, or in the Gulf of Saint Lawrence, or elsewhere in the open sea, she denied their right to fish in British waters, or to land in British territory for the purpose of drying or curing their fish. A compromise was at length arrived at, and it was agreed that United States fishermen should be at liberty to fish on such part of the coast of Newfoundland as British fishermen could use, but not to dry or cure their fish on that island; and they were also to be allowed to fish on the coasts, bays, and creeks of other British possessions in North America, and to dry and cure their fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, the Magdalen Islands, and Labrador, so long as they should remain unsettled; but so soon as any of them became settled, the United States fishermen were not to be allowed to use them without the previous permission of the inhabitants and proprietors of the ground.

The III. Article of the Treaty of Paris of the 3d of September, 1783, is as follows:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the Gulf of Saint Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

It should, however, be observed that the rights conceded to the United States fishermen under this treaty were by no means so great as those which, as British subjects, they had enjoyed previous to the War of Independence, for they were not to be allowed to land to dry and cure their fish on any part of Newfoundland, and only in those parts of Nova Scotia, the Magdalen Islands, and Labrador where no British settlement had been or might be formed, expressly excluding Cape Breton, Prince Edward Island, and other places.

So matters stood until the war of 1812 broke out, when, of necessity, the right of American citizens to fish in British waters, and to dry and cure their fish on British territory, terminated. In the course of the negotiations which preceded the peace of 1814, this question was revived, and the alleged right of American citizens to fish and cure fish within British jurisdiction was fully gone into by the British and American commissioners who were assembled at Ghent for the purpose of drawing up the articles of peace. At that time, however, the circumstances had very considerably changed since the Treaty of 1783 had been concluded. The British North American possessions had become more thickly populated, and there were fewer unsettled bays, harbors, and creeks in Nova Scotia than formerly. There was consequently greater risk of collision between British and American interests; and the colonists and English merchants engaged in the fisheries petitioned strongly against a renewal of the privileges granted by the treaty of 1783 to the American fishermen.

It was under these circumstances that the negotiations for peace were entered into. At the first meeting, which took place on the 8th of August, 1814, the British commissioners stated "that the British Government did not intend to grant to the United State gratuitously the privileges formerly granted to them by treaty of fishing within the limits of British territory, or of using the shores of the British territories for purposes connected with the fisheries." They contended that the claim advanced by the United States, of immemorial and prescriptive right, was quite untenable, inasmuch as the inhabitants of the United States had until quite recently been British subjects, and that the rights which they possessed formerly as such could not be continued to them after they had become citizens of an independent state.

After much discussion, it was finally agreed to omit all mention of this question from the treaty, which was signed at Ghent on the 24th December, 1814, and which contains no reference to the fisheries question.

Orders were now sent out to the governors of the British North American colonies not to interfere with citizens of the United States engaged in fishing on the Newfoundland Banks, in the Gulf of Saint Lawrence, or on the high seas, but to prevent them from using the British territory for purposes connected with the fishery, and to exclude their fishing-vessels from the harbors, bays, rivers, and creeks of all Her Majesty's Possessions. Orders were also given to the British naval officers on the Halifax station to resist any encroachment on the part of American fishermen on the rights of Great Britain. The result was the capture of several American fishing-vessels for trespassing within British waters; and the President of the United States in 1818 proposed to the Prince Regent that negotiations should be opened for the purpose of settling in an amicable manner disputed points which had arisen connected with the fisheries. Commissioners were accordingly appointed by both parties to meet in London, and the Convention of 20th October, 1818, was eventually signed.

Article 1 of this Convention is in these words :

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours and creeks of His Britannick Majesty's dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannick Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Jolly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbours and creeks of the southern part of the coast of Newfoundland, hereabove described and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannick Majesty's dominions in America not included within the above-mentioned limits. Provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as shall be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Subsequent to the conclusion of this Convention, in consequence of numerous complaints on the part of Her Majesty's Government of encroachments on their waters by American fishermen, the United States Government issued a notice warning their subjects that they were "to observe strictly the limits assigned for taking, drying, and curing, fish by the fishermen of the United States, under the 1st Article of the Convention of the 20th of October, 1818," a copy of which was annexed to the circular notice.

This was the state of affairs until the year 1847, when, in consequence of a petition addressed to the Queen by the Canadian Parliament, negotiations were opened between the two governments for the establishment of reciprocal free trade between Canada and the United States; and on the 1st of November, 1849, Sir H. Bulwer, who was then about to proceed to Washington as British Minister, was authorized to enter into a negotiation by which access to the fisheries of all the colonies (except Newfoundland, which refused to consent on any terms) should be given to the citizens of the United States, in return for reciprocity of trade with the United States, in all natural productions, such as fish, wheat, timber, &c.

The proposal was favorably received by the United States Government, but some delay occurred, owing to the death of General Taylor in 1850. The new President, however, doubted whether it was a proper subject for a Treaty, and thought that it should be done by legislation, and accordingly a bill was brought in for the purpose. The bill was, however, thrown out, and from one cause or another nothing was done from that time until 1852, when a desire was evinced on the part of the United States Government to come to an arrangement on the subject, and a draft convention having been prepared, a copy thereof was sent home by the British Minister on the 19th December, 1852, together with remarks made by the President thereon.

A good deal of correspondence passed between the two Governments on the subject, but, owing to difficulties connected with the question of Tariff, the United States Government appeared anxious to have the

Fisheries Question dealt with separately, but to this the British Government would not assent. The fishing season of 1853 accordingly opened without any agreement having been come to with the United States, and fortunately, owing to the measures taken by both Governments for the preservation of British rights, came to a close without the occurrence of further causes of dissatisfaction.

In the mean time, negotiations for a Treaty had been continued by the two Governments; and in the month of May, 1854, Lord Elgin, who was on his way to resume his duties as Governor-General of Her Majesty's North American Provinces, received instructions to visit Washington, and to ascertain the views of the United States Government, and if any favorable opportunity presented itself, to conclude a Treaty on the subject. So successfully were Lord Elgin's negotiations conducted, that in a letter dated 12th June, 1854, he was able to announce that he had executed a Treaty with Mr. Secretary Marcy relative to Fisheries and Reciprocity of Trade between the United States and the British Provinces in North America. This was the Reciprocity Treaty signed on the 5th June, 1854, and confirmed by the United States Senate on the 21st August of the same year. Its main provisions were as follows:

British waters on the east coast of North America were thrown open to United States citizens, and United States waters north of the 36th degree of north latitude were thrown open to British fishermen; excepting always the salmon and shad fisheries (which were exclusively reserved to the subjects of each country), and certain rivers and mouths of rivers to be determined by a Commission to be appointed for that purpose. Certain articles of produce of the British Colonies and of the United States were admitted to each country, respectively, free of duty. The Treaty was to remain in force for ten years, and further for twelve months after either party should have given notice to the other of its wish to terminate the same.

Some difficulty was experienced in regard to Newfoundland, but at length a clause was agreed to, providing that if the Imperial Parliament of Great Britain, the Provincial Parliament of Newfoundland, and the Congress of the United States should agree that Newfoundland should be included, all the provisions and stipulations of the Treaty should apply to that Colony.

The Commission for the designation of the places reserved to each country from the common right of fishing met subsequently, and was engaged for some years in determining the places to which the exclusive right of fishing applied. It is, however, unnecessary here to do more than notice this fact, as the reservations in question are expressly mentioned under Article XX of the Treaty of Washington of 1871.

From the year 1854 until 1865 the Reciprocity Treaty continued in force, and no further difficulties appear to have arisen on questions connected with the Fisheries; but on the 17th of March of that year, Mr. Adams, the United States Minister in England, informed the British Government that he was instructed to give notice that at the expiration of twelve months from that day the Reciprocity Treaty was to terminate. This notice was given in pursuance of a Resolution of Congress approved by the President of the United States.

Efforts were made on the part of Her Majesty's Government toward renewal of the treaty, but these, from various reasons, proving unsuccessful, the Treaty came to an end on the 17th of March, 1866; and, as a consequence, the provisions of the Convention of 1818 revived on the same day, and remain in effect at the present moment, except in so far

as they are affected by the stipulations of the Treaty of Washington 1871.

In the mean time a notice had been issued by Lord Monck warning the citizens of the United States that their right to fish in British waters would cease on the 17th of March, 1866; and it became necessary to consider what measures should be adopted for the protection of British rights. Her Majesty's Government were very desirous to prevent, far as possible, the injury and loss which must be inflicted upon citizens of the United States by a sudden withdrawal of the privileges enjoyed by them for twelve years; but with every desire in this direction, they found themselves bound by acts both of the Imperial and Colonial Legislatures to enforce severe penalties upon all persons, not being British subjects, who might be found fishing within British jurisdiction.

Eventually, however, on the suggestion of Lord Monck, it was decided that American fishermen should be allowed during the year 1866 to fish in all provincial waters upon the payment of a nominal license fee, to be exacted as a formal recognition of right. This system, after being maintained for four years, was discontinued, owing to the neglect of American fishermen to provide themselves with licenses; and in 1870 it again became necessary to take strict measures for the enforcement of British rights. Orders were given to Admiral Wellesley to dispatch a sufficient force to Canadian waters to insure the protection of Canadian fishermen and the maintenance of order, and to instruct the senior officer of such force to co-operate cordially with any United States force sent on the same service. It was also found necessary to employ a local marine police force for the same purpose.

The result of these measures was the capture and forfeiture of several American vessels for infringing the provisions of the Convention of 1818, both by fishing within British waters and by frequenting Canadian ports for objects not permitted by the Convention, and notwithstanding the steps taken by the British Government to mitigate as far as possible the stringency of the orders given for the exclusion of American fishermen from British waters, it was found at the close of the season of 1870 that many seizures of American vessels had been made by cruisers both of the Imperial and Dominion Governments.

The difficulties caused by these untoward events subsequently led to the reopening of negotiations for the settlement of questions connected with the Fisheries.

It is unnecessary here to relate the circumstances which led to the appointment of the Joint High Commission in 1871. Suffice it to say that, towards the end of 1870 Sir John Rose, having been commissioned to proceed in an unofficial character to Washington for the purpose of ascertaining the views of the United States on the subject, was able in the month of February, 1871, to announce that the United States Government were prepared to refer all questions between the two countries to a Joint High Commission.

The Commissioners held their first meeting at Washington, on the 27th February, 1871, and the treaty was signed on the 8th of May of the same year.

FISHERY ARTICLES OF THE TREATY OF WASHINGTON.

The articles in this treaty relating to the Fisheries, and in virtue of which this commission is constituted, are Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXXII, and XXXIII. They are as follows :

ARTICLE XVIII.

It is agreed by the High Contracting Parties, that in addition to the liberty secured to the United States fishermen by the Convention between Great Britain and the United States, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein designated, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish ; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries and all other fisheries in rivers and the mouth of rivers, are hereby reserved exclusively for British fishermen.

ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish ; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the 1st Article of the treaty between Great Britain and the United States, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said 1st Article of the treaty of the 5th of June, 1854.

ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country respectively free of duty.

ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of the treaty are of greater value than those accorded by Articles XIX and XXI of the treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of the treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say; One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its Agent, to represent it generally in all matters connected with the Commission.

ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners, appointed under Articles XXII and XXIII of this treaty, shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two governments in equal moieties.

ARTICLE XXXII.

It is further agreed, that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect, but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX, of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterward.

The acts necessary to enable these articles to be carried into effect were passed by the Imperial Parliament of Great Britain on the 6th August, 1872; by the parliament of Canada on the 14th June, 1872; by the legislature of Prince Edward Island (which did not at that time form part of the Dominion) on the 29th June, 1872; and by the United States Congress on the 25th of February, 1873. A proclamation, dated Washington, 7th June, 1873, fixes the 1st of July of that year as the day at which these articles should come formally into operation.

Some difficulties having arisen in the case of Newfoundland, it was not until the 28th of March, 1874, that the necessary act was passed by that colony; and a proclamation issued on the 29th of May, of the same year, fixed the 1st day of June, 1874, as the day on which the Fishery Articles of the Treaty of Washington, so far as they relate to Newfoundland, should come into effect.

In the case of Canada, it was deemed advisable to admit American fishermen to the practical use of the privileges specified in the treaty in advance of the formal legislative acts necessary for that purpose. An official communication to that effect was made early in 1873, and by a circular from the United States Treasury Department, dated 1st April, 1873, American fishermen at once availed themselves of the freedom of Canadian inshore waters. This was fitly acknowledged by the United States Government as "a liberal and friendly" act on the part of the Dominion Government. A similar concession had been previously made by the government of Prince Edward Island, who admitted American fishermen to the practical freedom of their waters on the 24th of July, 1871.

The Treaty of Washington having been ratified, it became necessary to take steps for the constitution of the Commission appointed to meet at Halifax, in the manner prescribed by the treaty, and in the meanwhile, Her Majesty's Government having appointed their Agent to the Commission, he proceeded to Washington, and some negotiations were entered into with a view to substitute an arrangement with respect to reciprocal free trade between Canada and the United States, for the award of the Commissioners, as provided under Article XXII of the treaty; it being always distinctly understood that, in case of the failure of such negotiations, the rights of Her Majesty's Government with respect to the appointment of the Commission should in no way be prejudiced. These negotiations having led to no result, it became neces-

sary to revert to the terms of the treaty, and to take steps for the reconstitution of the Commission in the manner prescribed by it.

Having thus stated the circumstances which led to the signing of the Fishery Articles of the Treaty of Washington, having recited the articles and enumerated the legislative enactments which have been passed for the purpose of rendering them effective, it is submitted in order to estimate the advantages thereby derived respectively to the subjects of the United States and of Great Britain, the following is the only one which it is possible to adopt under the terms of the portion of Article XVIII of the Treaty of Washington, *That the value of the privileges granted to each country respectively by Articles XVIII, XIX, and XXI of that treaty, which were confirmed under the 1st Article of the Convention of the 20th October, 1818, which this Commission is constituted to determine.*

Article I of the Convention of the 20th October, 1818, provides:

The inhabitants of the United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on the southern coast of Newfoundland which extends from Cape Ray to the Islands, on the western and northern coast of Newfoundland, from the straits to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador through the Straits of Belle Isle, and thence northwardly indefinitely along the coast without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty forever to fish in any of the unsettled bays, harbors, and creeks of the southern part of Newfoundland hereabove described, and the coast of Labrador; but so long as the same, or any portion thereof, shall be settled, it shall not be lawful for the men to dry or cure fish at such portions so settled without previous agreement with the inhabitants, proprietors, or possessors of the ground. The United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however,* that American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining ice, and for no other purpose whatever. But they shall be under such restrictions and regulations as may be necessary to prevent their taking, drying, or curing fish therein, or in any manner whatever abusing the privileges hereby reserved to them.

Such was the respective position of each country under the Convention of 1818 on matters connected with the fisheries; and it now remains to state precisely what additional liberties are acquired by each country under the Treaty of Washington.

Article XVIII and XXI of the Treaty of Washington superadd to the privileges conferred upon United States citizens by the Convention of 1818—

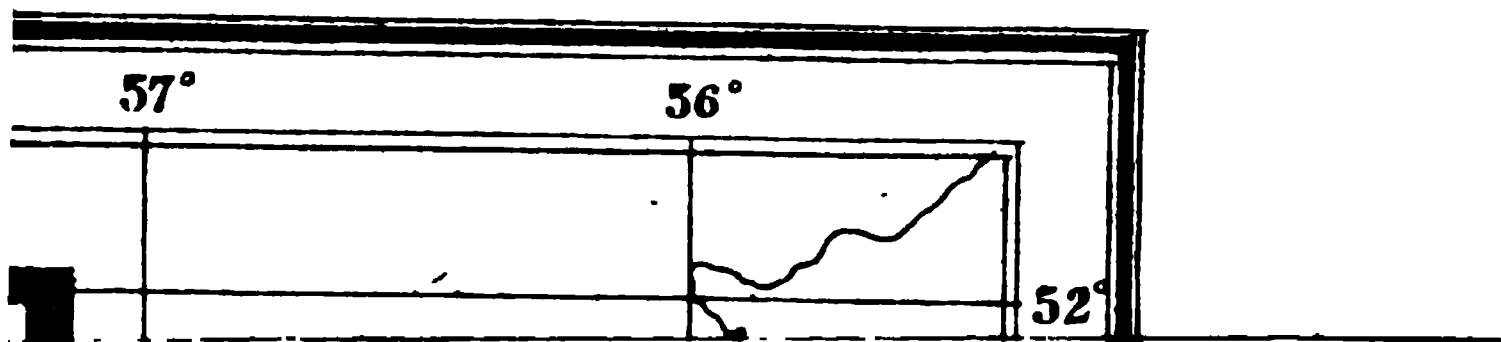
(1.) The liberty to take fish of every kind except shell-fish on the sea-coast, and in the bays, harbors, and creeks, of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward Island, and of the several towns and places thereunto adjacent, without being restricted to any distance from the shore, and the permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets or curing their fish: *Provided,* that so doing they do not interfere with the rights of private property or with the rights of the fishermen in the peaceable use of any part of the said coasts in their occupation for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fisheries, and that the salmon and shad fisheries, and all other fisheries in rivers and the bays and creeks of rivers, are hereby reserved exclusively for British fishermen.

(2.) The admission into Canada of "fish-oil and fish of all kinds (except fish preserved in oil) and the produce of the fisheries of the United States," free of duty.

(3.) The enjoyment of these privileges to continue during a period of twelve years, or until a certain day.

Similar privileges are granted by Article XXII in regard to the colony of Newfoundland.



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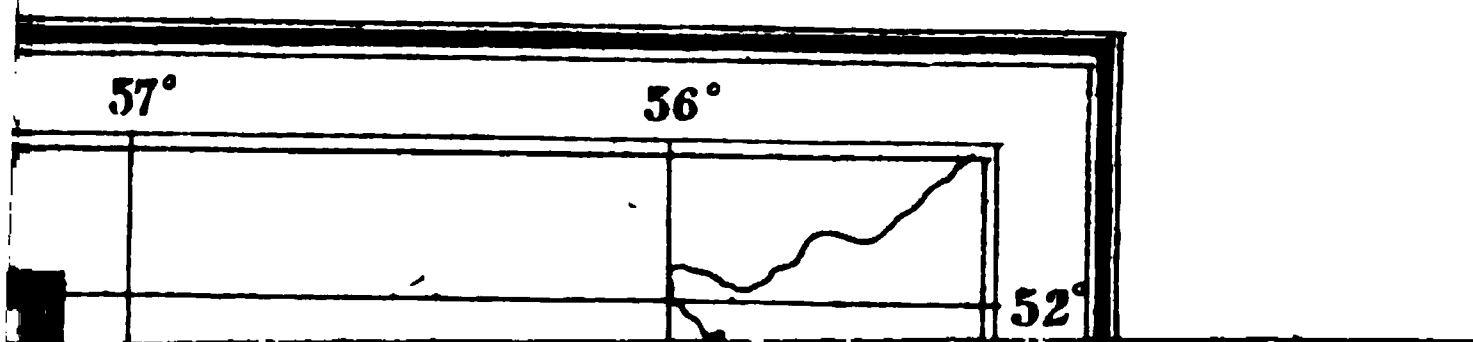
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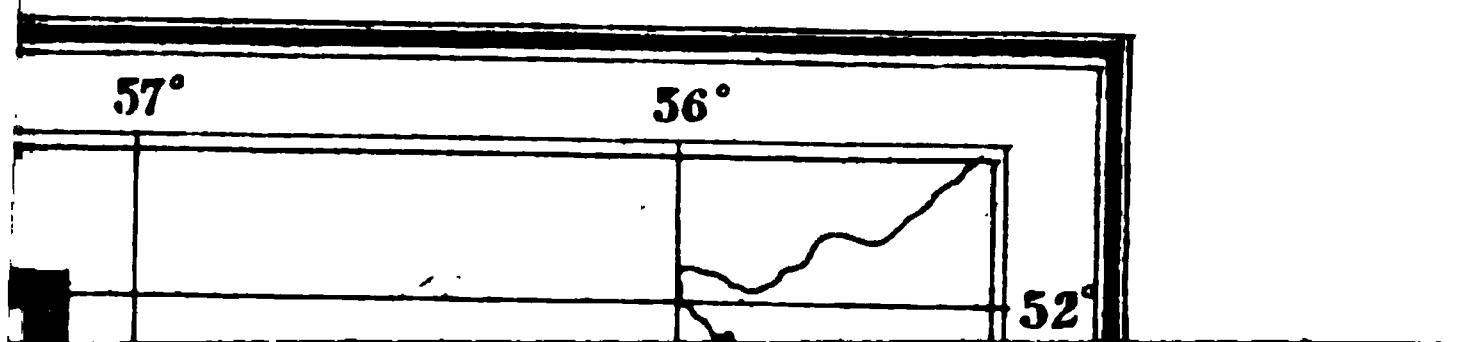
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Article 1 of this Convention is in these words :

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannick Majesty's dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannick Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Jolly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such ports, so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, all liberty heretofore enjoyed or claimed by them to take, dry, or cure fish on or within three marine miles of the coasts, bays, harbours, and creeks of His Britannick Majesty's dominions in America, within the limits aforesaid. Provided, however, that the fishermen of the United States may enter such bays or harbours for the purpose of purchasing wood, and of obtaining provisions, and of drying, or curing fish therein, or in any other manner as may be hereafter reserved to them.

Subsequent to the conclusion of the Convention, numerous complaints on the part of the British Government were made of encroachments on their waters by the American fishermen. The British Government issued a notice warning the fishermen to observe strictly the limits assigned by the Convention of the 20th of October, 1842, and the circular notice.

This was the state of affairs when a petition addressed to the Queen by the fishermen of the United States was presented to the Queen. Negotiations were opened between the British and American Governments with a view to the establishment of reciprocal free trade between the two countries. On the 1st of November, 1846, the American Minister proceeded to Washington as British Minister, and entered into a negotiation by which access was given to the citizens of the United States to the fisheries of the United States (except Newfoundland, which remained reserved to the British), and of trade with the United States in wheat, timber, &c.

The proposal was favorably received, but some delay occurred, and it was not until 1850. The new President, however, subject for a Treaty, and though the proposal was accordingly a bill was brought forward, however, thrown out, and from that time until 1852, when the United States Government took up the subject, and a draft convention having been sent home by the British Minister or Secretary of State, and remarks made by the President.

A good deal of correspondence took place on the subject, but, owing to the opposition of the United States Government to the proposed Treaty of Tariff, the United States Government

eries Question dealt with separately, but to this the British Government did not assent. The fishing season of 1853 accordingly opened without any agreement having been come to with the United States, and finally, owing to the measures taken by both Governments for the preservation of British rights, came to a close without the occurrence of either causes of dissatisfaction.

In the mean time, negotiations for a Treaty had been continued by the two Governments; and in the month of May, 1854, Lord Elgin, who was on his way to resume his duties as Governor-General of Her Majes-

as they are affected by the stipulations of the Treaty of Washington 1871.

In the mean time a notice had been issued by Lord Monck warning citizens of the United States that their right to fish in British waters would cease on the 17th of March, 1866; and it became necessary to consider what measures should be adopted for the protection of British rights. Her Majesty's Government were very desirous to prevent, as far as possible, the injury and loss which must be inflicted upon citizens of the United States by a sudden withdrawal of the privileges enjoyed by them for twelve years; but with every desire in this direction, they found themselves bound by acts both of the Imperial and Colonial Legislatures to enforce severe penalties upon all persons, not being British subjects, who might be found fishing within British jurisdiction.

Eventually, however, on the suggestion of Lord Monck, it was decided that American fishermen should be allowed during the year 1866 to fish in all provincial waters upon the payment of a nominal license fee, to be exacted as a formal recognition of right. This system, after being maintained for four years, was discontinued, owing to the neglect of American fishermen to provide themselves with licenses; and in 1870 it again became necessary to take strict measures for the enforcement of British rights. Orders were given to Admiral Wellesley to dispatch a sufficient force to Canadian waters to insure the protection of Canadian fishermen and the maintenance of order, and to instruct the senior officer of such force to co-operate cordially with any United States force sent on the same service. It was also found necessary to employ a local marine police force for the same purpose.

The result of these measures was the capture and forfeiture of several American vessels for infringing the provisions of the Convention of 1818, both by fishing within British waters and by frequenting Canadian ports for objects not permitted by the Convention, and notwithstanding the steps taken by the British Government to mitigate as far as possible the stringency of the orders given for the exclusion of American fishermen from British waters, it was found at the close of the season of 1870 that many seizures of American vessels had been made by cruisers both of the Imperial and Dominion Governments.

The difficulties caused by these untoward events subsequently led to the reopening of negotiations for the settlement of questions connected with the Fisheries.

It is unnecessary here to relate the circumstances which led to the appointment of the Joint High Commission in 1871. Suffice it to say that, towards the end of 1870 Sir John Rose, having been commissioned to proceed in an unofficial character to Washington for the purpose of ascertaining the views of the United States on the subject, was able in the month of February, 1871, to announce that the United States Government were prepared to refer all questions between the two countries to a Joint High Commission.

The Commissioners held their first meeting at Washington, on the 27th February, 1871, and the treaty was signed on the 8th of May of the same year.

FISHERY ARTICLES OF THE TREATY OF WASHINGTON.

The articles in this treaty relating to the Fisheries, and in virtue of which this commission is constituted, are Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXXII, and XXXIII. They are as follows :

ARTICLE XVIII.

It is agreed by the High Contracting Parties, that in addition to the liberty secured to the United States fishermen by the Convention between Great Britain and the United States, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein designated, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish ; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries and all other fisheries in rivers and the mouth of rivers, are hereby reserved exclusively for British fishermen.

ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish ; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the 1st Article of the treaty between Great Britain and the United States, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said 1st Article of the treaty of the 5th of June, 1854.

ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country respectively free of duty.

ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say; One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its Agent, to represent it generally in all matters connected with the Commission.

ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners, appointed under Articles XXII and XXIII of this treaty, shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other through the Commissioners, to produce the originals or certified copies of any paper adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two governments in equal moieties.

ARTICLE XXXII.

It is further agreed, that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their enactments for carrying the foregoing articles into effect, then this article shall be of no effect, but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX, of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterward.

The acts necessary to enable these articles to be carried into effect were passed by the Imperial Parliament of Great Britain on the 6th August, 1872; by the parliament of Canada on the 14th June, 1872; by the legislature of Prince Edward Island (which did not at that time form part of the Dominion) on the 29th June, 1872; and by the United States Congress on the 25th of February, 1873. A proclamation, dated Washington, 7th June, 1873, fixes the 1st of July of that year as the day on which these articles should come formally into operation.

Some difficulties having arisen in the case of Newfoundland, it was not until the 28th of March, 1874, that the necessary act was passed by that colony; and a proclamation issued on the 29th of May, of the same year, fixed the 1st day of June, 1874, as the day on which the Fishery Articles of the Treaty of Washington, so far as they relate to Newfoundland, should come into effect.

In the case of Canada, it was deemed advisable to admit American fishermen to the practical use of the privileges specified in the treaty in advance of the formal legislative acts necessary for that purpose. An official communication to that effect was made early in 1873, and by a circular from the United States Treasury Department, dated 1st April, 1873, American fishermen at once availed themselves of the freedom of Canadian inshore waters. This was fitly acknowledged by the United States Government as "a liberal and friendly" act on the part of the Dominion Government. A similar concession had been previously made by the government of Prince Edward Island, who admitted American fishermen to the practical freedom of their waters on the 24th of July, 1871.

The Treaty of Washington having been ratified, it became necessary to take steps for the constitution of the Commission appointed to meet at Halifax, in the manner prescribed by the treaty, and in the meanwhile, Her Majesty's Government having appointed their Agent to the Commission, he proceeded to Washington, and some negotiations were entered into with a view to substitute an arrangement with respect to reciprocal free trade between Canada and the United States, for the award of the Commissioners, as provided under Article XXII of the treaty; it being always distinctly understood that, in case of the failure of such negotiations, the rights of Her Majesty's Government with respect to the appointment of the Commission should in no way be prejudiced. These negotiations having led to no result, it became neces-

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INTRODUCTION.

In laying the case of Her Majesty's Government before the Commissioners, it will be desirable to commence by a brief history of the fisheries question since the outbreak of the War of Independence in 1775.

Before the commencement of this war all British colonists enjoyed equal privileges in matters connected with fishing, but at its close, and on the conclusion of peace, it became a question how far such privileges should be restored to those who had separated from the British Crown. The matter was very fully discussed in the negotiations which preceded the treaty of the 3d September, 1783, and though Great Britain did not deny the right of the American citizens to fish on the Great Banks of Newfoundland, or in the Gulf of Saint Lawrence, or elsewhere in the open sea, she denied their right to fish in British waters, or to land in British territory for the purpose of drying or curing their fish. A compromise was at length arrived at, and it was agreed that United States fishermen should be at liberty to fish on such part of the coast of Newfoundland as British fishermen could use, but not to dry or cure their fish on that island; and they were also to be allowed to fish on the coasts, bays, and creeks of other British possessions in North America, and to dry and cure their fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, the Magdalen Islands, and Labrador, so long as they should remain unsettled; but so soon as any of them became settled, the United States fishermen were not to be allowed to use them without the previous permission of the inhabitants and proprietors of the ground.

The III. Article of the Treaty of Paris of the 3d of September, 1783, is as follows:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the Gulf of Saint Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

It should, however, be observed that the rights conceded to the United States fishermen under this treaty were by no means so great as those which, as British subjects, they had enjoyed previous to the War of Independence, for they were not to be allowed to land to dry and cure their fish on any part of Newfoundland, and only in those parts of Nova Scotia, the Magdalen Islands, and Labrador where no British settlement had been or might be formed, expressly excluding Cape Breton, Prince Edward Island, and other places.

So matters stood until the war of 1812 broke out, when, of necessity, the right of American citizens to fish in British waters, and to dry and cure their fish on British territory, terminated. In the course of the negotiations which preceded the peace of 1814, this question was revived, and the alleged right of American citizens to fish and cure fish within British jurisdiction was fully gone into by the British and American commissioners who were assembled at Ghent for the purpose of drawing up the articles of peace. At that time, however, the circumstances had very considerably changed since the Treaty of 1783 had been concluded. The British North American possessions had become more thickly populated, and there were fewer unsettled bays, harbors, and creeks in Nova Scotia than formerly. There was consequently greater risk of collision between British and American interests; and the colonists and English merchants engaged in the fisheries petitioned strongly against a renewal of the privileges granted by the treaty of 1783 to the American fishermen.

It was under these circumstances that the negotiations for peace were entered into. At the first meeting, which took place on the 8th of August, 1814, the British commissioners stated "that the British Government did not intend to grant to the United State gratuitously the privileges formerly granted to them by treaty of fishing within the limits of British territory, or of using the shores of the British territories for purposes connected with the fisheries." They contended that the claim advanced by the United States, of immemorial and prescriptive right, was quite untenable, inasmuch as the inhabitants of the United States had until quite recently been British subjects, and that the rights which they possessed formerly as such could not be continued to them after they had become citizens of an independent state.

After much discussion, it was finally agreed to omit all mention of this question from the treaty, which was signed at Ghent on the 24th December, 1814, and which contains no reference to the fisheries question.

Orders were now sent out to the governors of the British North American colonies not to interfere with citizens of the United States engaged in fishing on the Newfoundland Banks, in the Gulf of Saint Lawrence, or on the high seas, but to prevent them from using the British territory for purposes connected with the fishery, and to exclude their fishing-vessels from the harbors, bays, rivers, and creeks of all Her Majesty's Possessions. Orders were also given to the British naval officers on the Halifax station to resist any encroachment on the part of American fishermen on the rights of Great Britain. The result was the capture of several American fishing-vessels for trespassing within British waters; and the President of the United States in 1818 proposed to the Prince Regent that negotiations should be opened for the purpose of settling in an amicable manner disputed points which had arisen connected with the fisheries. Commissioners were accordingly appointed by both parties to meet in London, and the Convention of 20th October, 1818, was eventually signed.

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INTRODUCTION.

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Before the commencement of this war all British colonists enjoyed equal privileges in matters connected with fishing, but at its close, and on the conclusion of peace, it became a question how far such privileges should be restored to those who had separated from the British Crown. The matter was very fully discussed in the negotiations which preceded the treaty of the 3d September, 1783, and though Great Britain did not deny the right of the American citizens to fish on the Great Banks of Newfoundland, or in the Gulf of Saint Lawrence, or elsewhere in the open sea, she denied their right to fish in British waters, or to land in British territory for the purpose of drying or curing their fish. A compromise was at length arrived at, and it was agreed that United States fishermen should be at liberty to fish on such part of the coast of Newfoundland as British fishermen could use, but not to dry or cure their fish on that island; and they were also to be allowed to fish on the coasts, bays, and creeks of other British possessions in North America, and to dry and cure their fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, the Magdalen Islands, and Labrador, so long as they should remain unsettled; but so soon as any of them became settled, the United States fishermen were not to be allowed to use them without the previous permission of the inhabitants and proprietors of the ground.

The III. Article of the Treaty of Paris of the 3d of September, 1783, is as follows:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the Gulf of Saint Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

It should, however, be observed that the rights conceded to the United States fishermen under this treaty were by no means so great as those which, as British subjects, they had enjoyed previous to the War of Independence, for they were not to be allowed to land to dry and cure their fish on any part of Newfoundland, and only in those parts of Nova Scotia, the Magdalen Islands, and Labrador where no British settlement had been or might be formed, expressly excluding Cape Breton, Prince Edward Island, and other places.

So matters stood until the war of 1812 broke out, when, of necessity, the right of American citizens to fish in British waters, and to dry and cure their fish on British territory, terminated. In the course of the negotiations which preceded the peace of 1814, this question was revived, and the alleged right of American citizens to fish and cure fish within British jurisdiction was fully gone into by the British and American commissioners who were assembled at Ghent for the purpose of drawing up the articles of peace. At that time, however, the circumstances had very considerably changed since the Treaty of 1783 had been concluded. The British North American possessions had become more thickly populated, and there were fewer unsettled bays, harbors, and creeks in Nova Scotia than formerly. There was consequently greater risk of collision between British and American interests; and the colonists and English merchants engaged in the fisheries petitioned strongly against a renewal of the privileges granted by the treaty of 1783 to the American fishermen.

It was under these circumstances that the negotiations for peace were entered into. At the first meeting, which took place on the 8th of August, 1814, the British commissioners stated "that the British Government did not intend to grant to the United State gratuitously the privileges formerly granted to them by treaty of fishing within the limits of British territory, or of using the shores of the British territories for purposes connected with the fisheries." They contended that the claim advanced by the United States, of immemorial and prescriptive right, was quite untenable, inasmuch as the inhabitants of the United States had until quite recently been British subjects, and that the rights which they possessed formerly as such could not be continued to them after they had become citizens of an independent state.

After much discussion, it was finally agreed to omit all mention of this question from the treaty, which was signed at Ghent on the 24th December, 1814, and which contains no reference to the fisheries question.

Orders were now sent out to the governors of the British North American colonies not to interfere with citizens of the United States engaged in fishing on the Newfoundland Banks, in the Gulf of Saint Lawrence, or on the high seas, but to prevent them from using the British territory for purposes connected with the fishery, and to exclude their fishing-vessels from the harbors, bays, rivers, and creeks of all Her Majesty's Possessions. Orders were also given to the British naval officers on the Halifax station to resist any encroachment on the part of American fishermen on the rights of Great Britain. The result was the capture of several American fishing-vessels for trespassing within British waters; and the President of the United States in 1818 proposed to the Prince Regent that negotiations should be opened for the purpose of settling in an amicable manner disputed points which had arisen connected with the fisheries. Commissioners were accordingly appointed by both parties to meet in London, and the Convention of 20th October, 1818, was eventually signed.

Article 1 of this Convention is in these words :

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours and creeks of His Britannick Majesty's dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannick Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Jolly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and then northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbours and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannick Majesty's dominions in America not included within the above-mentioned limits. Provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as shall be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privilege hereby reserved to them.

Subsequent to the conclusion of this Convention, in consequence of numerous complaints on the part of Her Majesty's Government of encroachments on their waters by American fishermen, the United States Government issued a notice warning their subjects that they were "to observe strictly the limits assigned for taking, drying, and curing, fish by the fishermen of the United States, under the 1st Article of the Convention of the 20th of October, 1818," a copy of which was annexed to the circular notice.

This was the state of affairs until the year 1847, when, in consequence of a petition addressed to the Queen by the Canadian Parliament, negotiations were opened between the two governments for the establishment of reciprocal free trade between Canada and the United States; and on the 1st of November, 1849, Sir H. Bulwer, who was then about to proceed to Washington as British Minister, was authorized to enter into a negotiation by which access to the fisheries of all the colonies (except Newfoundland, which refused to consent on any terms) should be given to the citizens of the United States, in return for reciprocity of trade with the United States, in all natural productions, such as fish, wheat, timber, &c.

The proposal was favorably received by the United States Government, but some delay occurred, owing to the death of General Taylor in 1850. The new President, however, doubted whether it was a proper subject for a Treaty, and thought that it should be done by legislation, and accordingly a bill was brought in for the purpose. The bill was, however, thrown out, and from one cause or another nothing was done from that time until 1852, when a desire was evinced on the part of the United States Government to come to an arrangement on the subject, and a draft convention having been prepared, a copy thereof was sent home by the British Minister on the 19th December, 1852, together with remarks made by the President thereon.

A good deal of correspondence passed between the two Governments on the subject, but, owing to difficulties connected with the question of Tariff, the United States Government appeared anxious to have the

Fisheries Question dealt with separately, but to this the British Government could not assent. The fishing season of 1853 accordingly opened without any agreement having been come to with the United States, and fortunately, owing to the measures taken by both Governments for the preservation of British rights, came to a close without the occurrence of further causes of dissatisfaction.

In the mean time, negotiations for a Treaty had been continued by the two Governments; and in the month of May, 1854, Lord Elgin, who was on his way to resume his duties as Governor-General of Her Majesty's North American Provinces, received instructions to visit Washington, and to ascertain the views of the United States Government, and if any favorable opportunity presented itself, to conclude a Treaty on the subject. So successfully were Lord Elgin's negotiations conducted, that in a letter dated 12th June, 1854, he was able to announce that he had executed a Treaty with Mr. Secretary Marcy relative to Fisheries and Reciprocity of Trade between the United States and the British Provinces in North America. This was the Reciprocity Treaty signed on the 5th June, 1854, and confirmed by the United States Senate on the 31st August of the same year. Its main provisions were as follows:

British waters on the east coast of North America were thrown open to United States citizens, and United States waters north of the 36th degree of north latitude were thrown open to British fishermen; excepting always the salmon and shad fisheries (which were exclusively reserved to the subjects of each country), and certain rivers and mouths of rivers to be determined by a Commission to be appointed for that purpose. Certain articles of produce of the British Colonies and of the United States were admitted to each country, respectively, free of duty. The Treaty was to remain in force for ten years, and further for twelve months after either party should have given notice to the other of its wish to terminate the same.

Some difficulty was experienced in regard to Newfoundland, but at length a clause was agreed to, providing that if the Imperial Parliament of Great Britain, the Provincial Parliament of Newfoundland, and the Congress of the United States should agree that Newfoundland should be included, all the provisions and stipulations of the Treaty should apply to that Colony.

The Commission for the designation of the places reserved to each country from the common right of fishing met subsequently, and was engaged for some years in determining the places to which the exclusive right of fishing applied. It is, however, unnecessary here to do more than notice this fact, as the reservations in question are expressly mentioned under Article XX of the Treaty of Washington of 1871.

From the year 1854 until 1865 the Reciprocity Treaty continued in force, and no further difficulties appear to have arisen on questions connected with the Fisheries; but on the 17th of March of that year, Mr. Adams, the United States Minister in England, informed the British Government that he was instructed to give notice that at the expiration of twelve months from that day the Reciprocity Treaty was to terminate. This notice was given in pursuance of a Resolution of Congress approved by the President of the United States.

Efforts were made on the part of Her Majesty's Government toward a renewal of the treaty, but these, from various reasons, proving unsuccessful, the Treaty came to an end on the 17th of March, 1866; and, as a consequence, the provisions of the Convention of 1818 revived on the same day, and remain in effect at the present moment, except in so far

ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that privileges accorded to the citizens of the United States under Article XVIII of treaty are of greater value than those accorded by Articles XIX and XXI of treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners shall so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say; One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its Agent, to represent it generally in all matters connected with the Commission.

ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners, appointed under Articles XXII and XXIII of this treaty, shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary, and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two governments in equal moieties.

ARTICLE XXXII.

It is further agreed, that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their enactments for carrying the foregoing articles into effect, then this article shall be of no effect, but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX, of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterward.

The acts necessary to enable these articles to be carried into effect were passed by the Imperial Parliament of Great Britain on the 6th August, 1872; by the parliament of Canada on the 14th June, 1872; by the legislature of Prince Edward Island (which did not at that time form part of the Dominion) on the 29th June, 1872; and by the United States Congress on the 25th of February, 1873. A proclamation, dated Washington, 7th June, 1873, fixes the 1st of July of that year as the day on which these articles should come formally into operation.

Some difficulties having arisen in the case of Newfoundland, it was not until the 28th of March, 1874, that the necessary act was passed by that colony; and a proclamation issued on the 29th of May, of the same year, fixed the 1st day of June, 1874, as the day on which the Fishery Articles of the Treaty of Washington, so far as they relate to Newfoundland, should come into effect.

In the case of Canada, it was deemed advisable to admit American fishermen to the practical use of the privileges specified in the treaty in advance of the formal legislative acts necessary for that purpose. An official communication to that effect was made early in 1873, and by a circular from the United States Treasury Department, dated 1st April, 1873, American fishermen at once availed themselves of the freedom of Canadian inshore waters. This was fitly acknowledged by the United States Government as "a liberal and friendly" act on the part of the Dominion Government. A similar concession had been previously made by the government of Prince Edward Island, who admitted American fishermen to the practical freedom of their waters on the 24th of July, 1871.

The Treaty of Washington having been ratified, it became necessary to take steps for the constitution of the Commission appointed to meet at Halifax, in the manner prescribed by the treaty, and in the meanwhile, Her Majesty's Government having appointed their Agent to the Commission, he proceeded to Washington, and some negotiations were entered into with a view to substitute an arrangement with respect to reciprocal free trade between Canada and the United States, for the award of the Commissioners, as provided under Article XXII of the treaty; it being always distinctly understood that, in case of the failure of such negotiations, the rights of Her Majesty's Government with respect to the appointment of the Commission should in no way be prejudiced. These negotiations having led to no result, it became neces-

sary to revert to the terms of the treaty, and to take steps for the re-constitution of the Commission in the manner prescribed by it.

Having thus stated the circumstances which led to the negotiation of the Fishery Articles of the Treaty of Washington, having set forth the articles and enumerated the legislative enactments which have since been passed for the purpose of rendering them effective, it is submitted that in order to estimate the advantages thereby derived respectively to the subjects of the United States and of Great Britain, the following is the only one which it is possible to adopt under the terms of the first portion of Article XVIII of the Treaty of Washington, namely:—That the value of the privileges granted to each country respectively by Articles XVIII, XIX, and XXI of that treaty, *which were conferred under the 1st Article of the Convention of the 20th October, 1818*, which this Commission is constituted to determine.

Article I of the Convention of the 20th October, 1818, provides—

The inhabitants of the United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on the southern coast of Newfoundland which extends from Cape Ray to the Quirpon Islands, on the western and northern coast of Newfoundland, from the shore to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador through the Straits of Belle Isle, and thence northwardly indefinitely along the coast without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty forever to fish in any of the unsettled bays, harbors, and creeks of the southern part of Newfoundland hereabove described, and the coast of Labrador; but so long as the same, or any portion thereof, shall be settled, it shall not be lawful for the men to dry or cure fish at such portions so settled without previous agreement with the inhabitants, proprietors, or possessors of the ground. The United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however,* that American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining ice, and for no other purpose whatever. But they shall be under such restrictions and regulations as may be necessary to prevent their taking, drying, or curing fish therein, or in any manner whatever abusing the privileges hereby reserved to them.

Such was the respective position of each country under the Convention of 1818 on matters connected with the fisheries; and it now remains to state precisely what additional liberties are acquired by each country under the Treaty of Washington.

Article XVIII and XXI of the Treaty of Washington superadd to the privileges conferred upon United States citizens by the Convention of 1818—

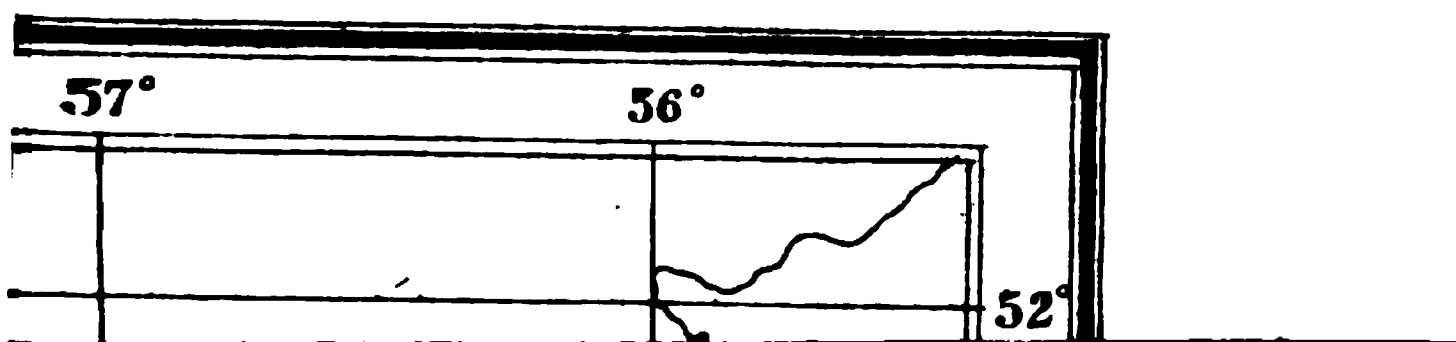
(1.) The liberty to take fish of every kind except shell-fish on the sea-coast, shores, and in the bays, harbors, and creeks, of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward Island, and of the several towns and places thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets or curing their fish: *Provided,* that so doing they do not interfere with the rights of private property or with the rights of fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fisheries, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

(2.) The admission into Canada of "fish-oil and fish of all kinds (except fish taken in inland lakes and of the rivers falling into them, and except fish preserved in oil) the produce of the fisheries of the United States," free of duty.

(3.) The enjoyment of these privileges to continue during a period of twelve years, certain.

Similar privileges are granted by Article XXII in regard to the colony of Newfoundland.



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stitution of the Commission in the manner prescribed by it.

Having thus stated the circumstances which led to the negotiation of the Fishery Articles of the Treaty of Washington, having set forth the articles and enumerated the legislative enactments which have been passed for the purpose of rendering them effective, it is sufficient to say in order to estimate the advantages thereby derived respectively to the subjects of the United States and of Great Britain, that the former is the only one which it is possible to adopt under the terms of the Convention. That the value of the privileges granted to each country respectively by Articles XVIII, XIX, and XXI of that treaty, which were agreed to under the 1st Article of the Convention of the 20th October, 1818, which this Commission is constituted to determine.

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Such was the respective position of each country under the Convention of 1818 on matters connected with the fisheries; and it now remains to state precisely what additional liberties are acquired by each country by the Treaty of Washington.

Article XVIII and XXI of the Treaty of Washington superadd to the privileges conferred upon United States citizens by the Convention of 1818—

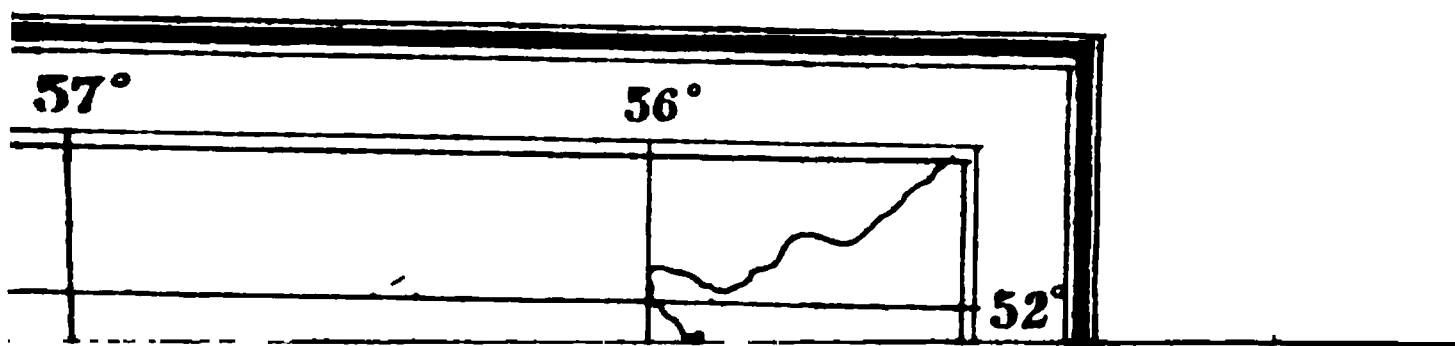
(1.) The liberty to take fish of every kind except shell-fish on the sea-shores, and in the bays, harbors, and creeks, of the provinces of Quebec, New Brunswick, and the colony of Prince Edward Island, and of the several towns thereunto adjacent, without being restricted to any distance from the shore, and permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets or curing their fish: *Provided,* that so doing they do not interfere with the rights of private property or with the rights of fishermen in the peaceable use of any part of the said coasts in their occupation for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fisheries, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

(2.) The admission into Canada of "fish-oil and fish of all kinds (except fish taken in inland lakes and of the rivers falling into them, and except fish preserved in the produce of the fisheries of the United States," free of duty.

(3.) The enjoyment of these privileges to continue during a period of two years, or until otherwise determined.

Similar privileges are granted by Article XXII in regard to the colony of Newfoundland.



Articles XIX and XXI confer the following privileges upon British subjects :

(1.) The liberty to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coast and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States, and of the islands aforesaid, for the purpose of drying their nets and curing their fish : *Provided*, That in so doing they do not interfere with the rights of private property or with the fishermen of the United States in the peaceable use of any part of the said coast in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all other fisheries, in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

(2.) The admission into the United States of "fish-oil and fish of all kinds (except fish of inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada or of Prince Edward Island," free of duty.

(3.) The enjoyment of these privileges to continue during a period of 12 years certain.

Article XXXII extends the above-mentioned privileges, so far as they are applicable to the colony of Newfoundland.

Upon this basis Great Britain asserts that the privileges specified in Article XVIII of the Treaty of Washington of 8th May, 1871, exceed in value the privileges specified in Articles XIX and XXI. This assertion is made upon the following grounds, which, for convenience of argument, have been divided into two parts. Part I deals exclusively with the case of the Dominion of Canada. Part II deals exclusively with the case of the colony of Newfoundland.

PART I.—CANADA.

CHAPTER I.—*Extent and value of Canadian fisheries.*

It will probably assist the Commission in arriving at a just estimation of the intrinsic worth of the concurrent fishing privileges accorded to United States citizens by the Treaty of Washington to refer briefly to the extent and value of the sea-coast fisheries of the maritime provinces of Canada, as evidenced in part by the profitable operations of British fishermen.

The districts within which British subjects carry on fishing on the coasts, and in the bays, harbors, and creeks of Canada, extend from the Bay of Fundy to the Gulf of Saint Lawrence, inclusive. The superficial area of these extensive fishing grounds, as shown on the accompanying map, comprises many thousands of square miles, forming the home of a great variety of the most prolific and valuable of sea-fish, the capture of which contributes in an important degree to British and American commerce, and supplies vast quantities of food to several millions of people. The chief of these fish, in the pursuit of which British subjects and United States citizens now participate in common under treaty arrangements, are mackerel, codfish, herring, halibut, haddock, hake, pollock, and many of the smaller varieties taken principally for bait.

It appears by the subjoined statement (Appendix A) that the produce of these fisheries caught by British subjects has greatly increased during seven years past. Their steady development and increasing wealth, as shown by this return, proves that a very considerable amount of industry and enterprise is embarked therein, and also that they are capable of still further expansion. This marked improvement in their condition and yield for the period specified in the table is an important circum.

stance in relation to the present inquiry. It shows that, as an article of commerce and a source of food, their actual productiveness keeps pace with the yearly increasing demand made on them for all the purposes of foreign and domestic trade and of local consumption. Also, they are now of much greater value than they were during the existence of the reciprocity treaty. The admission of American fishermen to concurrent rights under the Treaty of Washington is, therefore, in every respect highly advantageous to the United States citizens.

CHAPTER II.—*Advantages derived by United States citizens.*

1. *Liberty of fishing in British waters.*

Liberty to prosecute freely the sea fisheries "on the coasts and shore- and in the bays, harbors, and creeks" of Canada is in itself a very valuable concession to United States citizens. It concedes the common use of extensive and productive fishing-grounds, which are readily accessible to American fishermen, and are advantageously situated as regards their home market. The full value of this important concession can be but imperfectly determined by reference merely to the precise number of vessels and fishermen engaged in the business of fishing in these waters, or to the exact quantity of fish taken therefrom in the course of each successive season. Doubtless the amount of capital thus invested, the employment afforded, the trade and industry thereby promoted, and the necessary food supplied will be justly regarded by the Commission as forming material elements in the calculation of probable benefits derived by the American nation; but as it is desirable to refer to such specific data as may fairly establish the equitable foundation and practical character of the present claim, we propose to show, by such evidence as the case admits—

(1) The number of United States fishing-vessels frequenting these waters;

(2) The kinds and quantities of fish it is customary for them to take, and the profits accruing to them thereby;

(3) The amount of capital embarked in these operations, and other advantages accruing to United States citizens thereby.

First. The official records of the United States Government show that in 1868 the "enrolled and licensed" vessels engaged in the cod and mackerel fisheries numbered 2,220; in 1869 there were 1,714 vessels so employed; in 1870 their numbers were 2,292; in 1871 there were 2,426 vessels thus engaged; and in 1872 there were 2,385.

The classification of decked fishing-vessels in the United States is confined nominally to the cod and mackerel fisheries, but no doubt includes such vessels as embark also in the herring, halibut, haddock, hake, pollack, and bait fisheries on the coasts of Canada. There are certainly fluctuations from year to year in the number of vessels engaged, as well as in the success of their respective voyages, but there is a remarkable concurrence in the statements made by various informants that an average number, ranging between 700 and 1,200, of the United States vessels have annually resorted to British waters for fishing purposes for many years past.

These vessels are variously occupied on the shores of Canada throughout each season. Some of them resort to the Gulf of Saint Lawrence from early spring-time to late autumn in pursuit of cod, mackerel, herrings, and halibut. Others frequent the western coast of Nova Scotia and the Bay of Fundy throughout the season. During the existence of the Reciprocity Treaty, when free access was afforded to British waters,

it was admitted by an American authority, Mr. E. H. Derby, that about 600 of these vessels fished every year for mackerel alone on the gulf coasts of Canada; and it is probable that as many more fished along the Atlantic coasts of Canada, and also on the banks and ledges off shore. Captain Scott, R. N., commanding the marine police, and Captain Nickerson, of the same force, both state that as many as 1,200 United States fishing-vessels have been known to pass through the Gut of Canso in a single season. Inspector Venning states that during the existence of the Reciprocity Treaty the annual number was from 1,200 to 1,500. The executive council of Prince Edward Island, in a minute dated 17th February, 1874, states that 1,000 sail of United States vessels were engaged in the mackerel fishery alone in the year 1872. The former commander of the government cruiser *La Canadienne*, in his report for 1865, estimates that there were in that year from 1,050 to 1,200 American vessels engaged exclusively in the mackerel fishery of the Gulf of St. Lawrence. Subsequently, in 1866, the actual number of United States vessels duly licensed by the Canadian Government, on passing through the Gut of Canso for the inshore mackerel fisheries, was 454 as shown by official returns of the local collectors of customs. The exact number of other vessels which then refused to take out licenses on the pretext that they intended fishing in outside waters, was not, of course, recorded; but we are justified in assuming from the observations of qualified persons, whose oral or written testimony will be offered to the Commission if required, that at least 600 more were also engaged in the mackerel and other fisheries in British waters.

It is stated in the annual report of the United States Secretary of the Treasury for 1871 that "The district of Gloucester is most extensively engaged in this occupation; her cod and mackerel fleet, amounting to 548 vessels, 28,569 tons, showing an increase of 97 vessels since June 30, 1870." The same authority states in the annual report for 1872 that "the tonnage employed in the cod and mackerel fisheries has increased somewhat for the past three years."

Thirty-nine new fishing-vessels were built at the port of Gloucester, Mass., alone, in 1874, and about fifty more were to be built in the next following year; and as there are several other important outfitting ports in the same State, besides many others in the States of Maine, New Hampshire, Rhode Island, Connecticut, and New York, it is fair to infer that a corresponding increase in the fishing-fleet from these numerous ports will also take place now that the Canadian fisheries are reopened to their vessels. These five States added 243 schooners to their fishing-fleet in 1866, when the inducements to build were less certain. There is therefore good reason to anticipate that in the course of the twelve years stipulated in the present treaty, a still greater impetus will be given to the fishing industry and commerce of the United States. Such a result may be more confidently expected in consequence of the rapid increase of population and extension of settlements, the more numerous markets opened up by railway enterprises, and the growing demand for fish-food from the seaboard to replace the failing supplies from inland waters.

The withdrawal of New England tonnage from the whale fishery, in consequence of the rapid decline of that pursuit as a paying adventure, will most likely have the effect of engaging other sail in the more lucrative branches of marine industry. Mr. R. D. Cutts, in an able report to the United States Government on the political importance and economic conditions of the fisheries, expresses some apprehension of the imminent failure of the cod and other fisheries on the Grand Banks. Should such

ensue, it would properly engage additional tonnage in the inshore fisheries around the coasts of Canada.

We are therefore warranted in reckoning a yearly average number of vessels as availing themselves of the privileges accorded to United States citizens by the Treaty of Washington at about 1,000, reserving the right to show the probability of a still larger number being so engaged.

Second. American fishermen pursue their calling around the islands and in the harbors of the Bay of Fundy, and along parts of the coasts of Nova Scotia and New Brunswick bordering the said bay; down the south coast of Nova Scotia, and around the island of Cape Breton; thence through the Strait of Canso, along the northern coast of Nova Scotia and New Brunswick; thence through the Strait of Northumberland, and all around Prince Edward Island, particularly on its western, northern, and eastern coasts, resorting especially to the bays and harbors of the southern shore to transship cargoes and procure supplies; thence into Miramichi Bay, the Bay of Chaleur, and Gaspé Bay; thence around the Magdalen Islands and Anticosti Island; thence up the south shore of the river Saint Lawrence to Father Point, and down the north shore of the river and gulf of Saint Lawrence from Point des Monts to Blanc Sablon Bay. These localities abound with codfish, mackerel, herrings, halibut, haddock, pollack, hake, and a variety of other and smaller fishes used expressly for bait, such as spring-herring, capelin, smelts, sand-lance, gaspereaux, also such bait as squid and clams. These are the principal descriptions of fish captured by United States citizens in British waters. They generally frequent the inshores, and are there caught in the largest quantities and of the finest quality, and with greater certainty and facility than elsewhere. A considerable portion of the codfish taken by American fishermen is doubtless caught on the banks and ledges outside, such as Green, Miscon, Bradelle, and Orphan Banks, and within treaty limits around the Magdalen Islands, and on the southern coast of Labrador. Latterly it has been the practice to use cod-seines close inshore, and to fish with trawls and lines near the coast of Nova Scotia, New Brunswick, Quebec, and Anticosti. There is also a small portion of the other fishes named taken at various distances from the shore.

A majority of the fishing-fleet frequenting British waters being fitted almost exclusively for the mackerel fishery, that pursuit will be first considered as to the quantity taken by each vessel. In an ordinary voyage or "trip" from an American port to the Gulf fishing-grounds and back, without the liberty of resorting freely to the bays, creeks, and harbors and the inshores generally, to fish, refit, transship, &c., but with only illicit opportunities to use these privileges, the profits of each vessel would be comparatively insignificant; but being privileged to fish, and to land and refit, and to transfer each fare to steamers or railways in Canada, and afterward to replenish stores and resume operations, the vessels would return immediately, while the fishing was good, to catch a second fare, which is similarly disposed of, and would often make a third trip before the season closes. Captain P. A. Scott, R. N., of Halifax, Nova Scotia, states that these facilities, combined with freedom of inshore fishing, enable each mackerelman to average about 800 barrels per season, worth \$12,100. Captain D. M. Brown, R. N., of Halifax, makes the same statement. Captain J. A. Tory, of Guysboro, Nova Scotia, states that it is common, with such advantages, for each vessel to catch from 1,000 to 1,500 barrels of mackerel in three trips. Mr. E. H. Derby estimates the catch of vessels "in the mackerel business from 500 to 700 barrels." Mr. William Smith, late controller of customs at St.

John, New Brunswick, now deputy minister of marine and fisheries, computes the catch of mackerel by American vessels at 10 barrels per ton. The late Mr. M. H. Perley, Her Majesty's Commissioner under the treaty of 1854, reports in 1849 having accosted five United States vessels actively fishing about three miles from Paspebiac, in Chaleur Bay, and several in Miramichi Bay, having upward of 900 barrels of mackerel each. It appears from a return made by the collector of customs at Port Mulgrave, in the Gut of Canso, that among 135 vessels of the American mackerel fleet which were casually spoken at that port in 1873, the names of which he gives, there were 33 having over 300 barrels apiece, 55 having over 400 barrels each, 28 having over 500 barrels each, 12 having over 600 barrels each, and 7 having over 700 barrels apiece. Probably these were not the largest fares secured, as the vessels were reported before the fall fishery (usually the best) had taken place. In the year 1874, 164 United States fishing-vessels took, at the east point of Prince Edward Island, 383 barrels per vessel. The catch of mackerel in that season by the island fishermen, who are few in numbers, and fish mostly in open boats and with seines, was altogether inshore, and amounted to 27,317 barrels.

We may confidently state that, at a very moderate computation, each American fishing-vessel frequenting British waters obtains, through the privileges conferred by the treaty, a catch of at least 300 barrels of mackerel alone, worth \$12 per barrel, at each trip, or a gross value of \$3,600 per vessel.

The proportion of codfish taken and forming part of the mixed fares would be comparatively small when distributed among a large number of vessels fishing principally for mackerel and herring. It is estimated that vessels fishing for cod, herring, and other fish during the intervals of mackereling usually take, of herring, 300 barrels; codfish, 100 quintals; halibut, 200 quintals; haddock, pollack, and hake, 100 quintals, and bait-fishes (exclusive of herring, used fresh), \$200 worth, each vessel averaging about \$2,000 worth in all. Many of these vessels, or others of smaller tonnage, are engaged in fishing around the western coasts of Nova Scotia and in the Bay of Fundy, both before and after their regular voyages to the eastern and Gulf fishing-grounds. But the maximum number of vessels and the value of catch reckoned in this claim, for the purpose of stating a basis of computation, without prejudice, however, to whatever addition to the number of vessels engaged and the quantity and value of fish caught may be substantiated in further evidence, does not specifically include the catch of those smaller vessels which are constantly occupied in the inshore fishings of the western coasts of the maritime provinces for other kinds besides mackerel. This reservation is necessarily due, if not to the moderation of the claim involved, at all events to the obvious difficulty of ascertaining with exactness the movements and operations of a fleet of foreign vessels, of varied tonnage, numbering between 1,000 and 3,000, besides the many small boats attached, which are continually moving about in different and distant localities, or frequenting throughout each season the countless indentations of a sinuous coast nearly 4,000 miles in linear extent.

In recapitulation of the above, it is estimated that each United States fishing-vessel will, on a moderate computation, take within British Canadian waters \$3,600 worth of mackerel, and \$2,000 worth of other fish; or a total of \$5,600 worth of fish of all kinds as an average for each trip. This estimate is, however, made, as stated in the case of the number of vessels engaged, without prejudice to any larger catch per

vessel, which we may be able to substantiate in evidence before the Commission.

Third. The estimated amount of capital embarked in this business by United States citizens exceeds \$7,000,000. Mr. Lorenzo Sabine, formerly president of the Boston Board of Trade, estimates it at \$7,280,000. It employs about 16,000 men afloat, besides many others ashore. That the investment is a profitable one is proved by the large amount of vessels and men engaging in it, and also the more costly appliances which are provided in these fishing pursuits. If the construction and equipment of vessels for the various fisheries which United States citizens so persistently follow in British waters was not proved to be highly advantageous, it is reasonable to assume that it would cease to engage a large amount of capital, for the use of which so many other attractive enterprises exist. It must be concluded, therefore, that the inshore fisheries afford never-failing occupation for men and money preferable to many other lucrative industries.

The advantages resulting to the commerce and supply of United States citizens generally from the privileges to which American fishermen are admitted by this treaty are most important. The demand for fish-food in all parts of the American Union is yearly increasing, and immense efforts are now being made to supply this want. A population already exceeding 40,000,000, constantly augmenting in numbers by immigration from foreign countries, and where the people consume the products of the sea to a very large extent, requires much more of this kind of food than the failing fisheries of the United States can now produce. Their productive power is no longer equal to the consumptive capacity of the nation. The rapid means of transport, and the improved methods of preservation now available, are fast bringing the inhabitants of the interior practically within easy reach of the seaboard; and fish of all kinds, even the most inferior descriptions, and qualities not hitherto saleable, are required to supply the public want. The magnitude of the present fish-trade of the United States is hardly conceivable from the meagre and partial statements derived from official returns. These tables publish only the "products of American fisheries received into the customs districts," which form but a small proportion of the enormous quantities of fish landed from United States boats and vessels, and much of which is obtained from the seacoasts of Canada.

We have referred elsewhere to reports made by American officials regarding the deteriorated condition of the fisheries, on the coasts of the New England States. They affirm that owing to such decline "the people are obliged to resort to far-distant regions to obtain the supply which formerly could be secured almost within sight of their homes." The above state of things already renders it necessary for United States citizens to secure access to Canadian fisheries; and the growing demand for local consumption before mentioned, apart from the requirements of their foreign trade, must tend greatly to increase this necessity.

Were United States citizens unable to supply such an extensive demand in consequence of being precluded from fishing in British Canadian waters, it would no doubt be supplied through British subjects, who would also catch more fish in their own exclusive waters than if fishing in the same limits concurrently with American fishermen. This consideration, therefore, forms an additional reason for the compensation which we now claim.

2. Liberty to land for the purposes of drying nets, curing fish, &c.

The privileges secured to United States subjects in this respect by the Treaty of Washington are the liberty to land for purposes connected

with fishing on the coasts of Labrador, the Magdalen Islands, and the other portions of the seaboard of the Dominion of Canada. As the rights thus secured to United States fishermen for a period of twelve years vary somewhat in the different localities above named, it will be well to consider them separately.

Under the convention of 1818, United States citizens were privileged to fish on certain parts of the coast of Labrador, but were restricted in the liberty of drying and curing fish to unsettled places. Such districts as were then occupied, or might subsequently become settled, were reserved for the exclusive use of British fishermen, and rights and properties possessed by the Hudson's Bay Company were likewise reserved from common user. Gradual settlement during fifty years past has filled up nearly all available landing places along the southern coast of Labrador, between Blanc Sablon and Mount Joly; and the establishments maintained by the Hudson's Bay Company, whose rights and privileges are now acquired by Canada, have confirmed the exclusive occupancy contemplated by the Convention. Under such altered circumstances United States fishermen might have been excluded under the terms of the Convention from using these landings, without the free use of which the fisheries cannot be profitably pursued. The fish taken in these waters include herring, codfish, and sometimes mackerel, which are seined on the main shore, and among the islands throughout that region, and the famous "Labrador herring," which abounds there.

The Convention of 1818 entitled United States citizens to fish on the shores of the Magdalen Islands, but denied them the privilege of landing there. Without such permission the practical use of the inshore fisheries was impossible. Although such permission has tacitly existed, as a matter of sufferance, it might at any moment have been withdrawn, and the operations of United States fishermen in that locality would thus have been rendered ineffectual. The value of these inshore fisheries is great; mackerel, herring, halibut, capelin, and lance abound, and are caught inside of the principal bays and harbors, where they resort to spawn. Between three hundred and four hundred United States fishing-vessels yearly frequent the waters of this group, and take large quantities of fish, both for curing and bait. A single seine has been known to take at one haul enough of herrings to fill 3,000 barrels. Seining mackerel is similarly productive. During the spring and summer fishery of the year 1875, when the mackerel were closer inshore than usual, the comparative failure of the American fishermen was owing to their being unprepared with suitable hauling-nets and small boats, their vessels being unable to approach close enough to the beaches.

In the case of the remaining portions of the seaboard of Canada, the terms of the Convention of 1818 debarred United States citizens from landing at any part for the pursuit of operations connected with fishing. This privilege is essential to the successful prosecution of both the inshore and deep-sea fisheries. By it they would be enabled to prepare their fish in a superior manner, in a salubrious climate, as well as more expeditiously, and they would be relieved of a serious embarrassment as regards the disposition of fish offals, by curing on shore the fish which otherwise would have been dressed on board their vessels, and the refuse thrown overboard.

All the advantages above detailed have been secured for a period of twelve years to United States fishermen. Without them, fishing operations on many parts of the coast would be not only unremunerative but impossible; and they may therefore be fairly claimed as an important item in the valuation of the liberties granted to the United States under Article XVIII of the Treaty of Washington.

3. Transshipping cargoes and obtaining supplies, &c.

Freedom to transfer cargoes, to outfit vessels, buy supplies, obtain ice, engage sailors, procure bait, and traffic generally in British ports and harbors, or to transact other business ashore, not necessarily connected with fishing pursuits, are secondary privileges which materially enhance the principal concessions to United States citizens. These advantages are indispensable to the success of foreign fishing on Canadian coasts. Without such facilities, fishing operations, both inside and outside of the inshore, cannot be conducted on an extensive and remunerative scale. Under the Reciprocity Treaty, these conveniences proved very important, more particularly as respects obtaining bait and transferring cargoes. The American fishermen then came inshore everywhere along the coast, and caught bait for themselves, instead of requiring, as previously, to buy, and preserve it in ice, saving thereby much time and expense. They also transshipped their fish and returned with their vessels to the fishing ground; thus securing two or three fares in one season. Both of these, therefore, are distinct benefits. There are other indirect advantages attending these privileges, such as carrying on fishing operations nearer the coasts, and thereby avoiding risks to life and property, as well while fishing as in voyaging homeward and back; also having always at command a convenient and commodious base of operations. They procure cheap and regular supplies without loss of time, enabling them always to send off their cargoes of fish promptly by rail and steamers to meet the current market demand for domestic consumption or foreign export, instead of being compelled to "beat up" to Gloucester or Boston with each cargo, seldom returning for a second; and it may be remarked that all their freight-business in fish from provincial ports is carried on in American bottoms, thus creating a profitable business for United States citizens.

The advantages above described of being able to make second and third full fares, undoubtedly, in most instances, double the catch which can be made in British Canadian waters by a vessel during one season, and it therefore may be reasonably estimated that it enables United States fishermen to double their profits.

4. Formation of fishing establishments.

The privilege of establishing permanent fishing stations on the shores of Canadian bays, creeks, and harbors, akin to that of landing to dry and cure fish, is of material advantage to United States citizens. Before the Treaty the common practice with American vessels was to take away their cargoes of codfish in a green state and to dry them at home. Those codfish caught on the banks off-shore are usually fine well-conditioned fish, but, being cured in bulk instead of being cured or packed ashore, are of inferior value. Apart from the fishing facilities and business conveniences, thus afforded to Americans for prosecuting both the deep-sea and inshore fisheries, there are climatic advantages connected with this privilege of a peculiar nature, which attach to it a special value. It is a fact universally known and undisputed, that codfish, for example, cured on our coasts, command a much higher price in foreign markets than those cured in the United States. This is due in a great measure to the salubrity of the climate and the proximity of the fishing grounds. Permanent curing establishments ashore also enable the fishermen to obtain more frequent "fares," and the dealers to carry on the business of curing and shipping on a much more extensive and economic scale, than if their operations were conducted afloat. There are further advantages derivable from permanent establishments ashore, such as the accumulation of stock and fresh fish pre-

served in snow or ice, and others kept in frozen and fresh state by artificial freezing ; also, the preservation of fish in cans hermetically sealed. The great saving of cost and of substance, and the rapid preparation of a more salable, more portable, and more nutritive article of food, which commend these improved methods of treating edible fishes to general adoption, will, undoubtedly, induce enterprising dealers to avail themselves very extensively of the remarkable opportunities which free access, and an assured footing on Canadian coasts, are calculated to afford. The broad effect of these increased facilities is to be found in the abundant and increasing supply to the American public of cheap and wholesome fish, which supply would certainly diminish or fail without the advantages secured by the Treaty of Washington.

5. Convenience of reciprocal free market.

A reciprocal free market for any needful commodity, such as fish, entering extensively into daily consumption by rich and poor, is so manifest an advantage to everybody concerned, the producer, the freighter, the seller, and consumer alike, that the remission of Canadian duties on American-caught fish imported into Canada cannot, in our opinion, form a very material element for consideration. The benefits conferred by a cheap and abundant supply of food are evident, especially to countries where, as in the United States and Canada, the chief necessities of life are expensive, and it is so desirable to cheapen the means of living to the working classes.

6. Participation in improvements resulting from the Fisheries Protection Service of Canada.

In addition to the statutory enactments protecting the Canadian fisheries against foreigners, and regulating participation in them by the United States citizens, under treaty stipulations, the provincial governments have for many years past applied an organized system of municipal protection and restriction designed to preserve them from injury and to render them more productive. A marked increase in their produce during the last decade attests the gratifying results of these measures.

A large number of fishery officers is employed by the Government of the Dominion in the maritime states at an annual cost of about \$75,000. This staff is actively engaged under an organized system controlled by the department of marine and fisheries, in fostering and superintending fish culture in the rivers and estuaries. Regulations are enforced for the protection of these nurseries, and considerable expense has been incurred in adapting and improving the streams for the reproduction of river fish.

The intimate connection between a thriving condition of river and estuary fishings and an abundant supply in the neighboring deep-sea fisheries has not, perhaps, as yet been sufficiently appreciated. It is, however, obvious that the supply of bait-fishes thus produced attracts the deep-sea fish in large numbers. Their resort is consequently nearer inshore than formerly, and the catch of the fishermen who have the privilege of inshore fishing is proportionately increased, while they pursue their operations in safer waters and within easier reach of supplies. In addition to the measures above described for the increase of the fisheries, special care has been devoted to the protection of the spawning-grounds of sea fishes, and the inshores now swarm with valuable fish of all kinds, which, owing to the expense incurred by the Canadian Government, are now abundant in places hitherto almost deserted.

It will also be necessary for the proper maintenance of these improvements and for the preservation of order in the fishing-grounds, as well in the interest of the United States as of the Canadian fishermen, to supplement the existing fisheries service by an additional number of

officers and men, which will probably entail an increase of \$100,000 on the present expenditure.

In all these important advantages produced by the restrictive taxation imposed on Canadians, United States fishermen will not to the fullest extent, without having as yet in any way contributed their cost; it may then fairly be claimed that a portion of the advantage to be demanded of the United States Government shall be in recognition of their participation in the fruits of additional expenditure by Canadians to the annual extent, as shown above, of nearly \$

SUMMARY.

The privileges secured to United States citizens under Article of the Treaty of Washington, which have been above described particularly and in detail, may be summarized as follows:

1. The liberty of fishing in all inshore waters of the Dominion, the value of which is shown by the kinds, quantity, and value of the fish annually taken by United States fishermen in those waters, as well as the number of vessels, hands, and capital employed.

2. The liberty to land for the purpose of drying nets and curing fish, a privilege essential to the successful prosecution of fishing operations.

3. Access to the shores for purposes of bait, supply, &c., including the all-important advantage of transferring cargoes, which enables American fishermen to double their profits by securing two or more fares during one season.

4. Participation in the improvements resulting from the fisheries and ice maintained by the Government of the Dominion.

The above privileges may be considered as susceptible of an approximate money valuation, which it is respectfully submitted should be assessed as well with reference to the quantity and value of fish taken and the fishing-vessels and fishermen employed, as to other collateral advantages enjoyed by United States citizens.

It has been stated in the preceding portions of this chapter that the average number of at least 1,000 United States vessels annually frequent British Canadian waters. The gross catch of each vessel per annum has been estimated at \$5,600, a considerable portion of which is profit, resulting from the privileges conferred by the treaty.

These privileges profitably employ men and materials representing an industrial capital several millions of dollars; the industries to the advancement of which they conduce support domestic trade and foreign commerce of great extent and increasing value; they also serve to furnish a necessary and healthful article of food plentiful and cheap for the American nation. It is not merely the value of "raw material" in fish taken out of British Canadian waters which constitutes a fair basis of compensation; the right of this fishery was an exclusive privilege, the use of which was highly prized, and for the common enjoyment of which we demand equivalents to be measured by our just estimation of their worth; we enhance the main concession on this point by according kindred liberties and indispensable facilities, all of which are direct advantages; and, in order to illustrate the assessable value of the grant, we adduce certain data relating to the number of United States fishing vessels more immediately interested, and the gross quantity and value of their catch in British Canadian waters.

In addition to the advantages above recited, the attention of the Commissioners is respectfully drawn to the great importance attaching to the beneficial consequences to the United States of honorably acquiring

for their fishermen full freedom to pursue their adventurous calling without incurring constant risks, and exposing themselves and their fellow-countrymen to the inevitable reproach of willfully trespassing on the rightful domain of friendly neighbors. Paramount, however, to this consideration is the avoidance of irritating disputes, calculated to disquiet the public mind of a spirited and enterprising people, and liable always to become a cause of mutual anxiety and embarrassment.

It was repeatedly stated by the American members of the Joint High Commission at Washington, in discussing proposals regarding the Canadian fisheries, "that the United States desired to secure their enjoyment, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation." This commendable desire evidently was reciprocated by the British Commissioners in assenting to the proposition that the matter of disagreement as regards a money equivalent "should be referred to an impartial Commission." It should not be lost sight of that an offer for the reciprocal free admission of coal, salt, fish, and lumber had previously been made by the United States Commissioners, "entirely in the interest of a peaceful settlement," but was declined by the British Commissioners as inadequate. It is now shown that the contention of the British Commissioners regarding the "great value" of these fisheries was well founded, and that the privileges subsequently accorded by the Treaty of Washington as in part compensatory are of no appreciable value.

It must be admitted, therefore, that the concessions made by Great Britain in the interests of American fishermen, quite irrespective of their commercial value, are indeed extremely valuable to the United States. Probably it will be said that in this respect there is an international gain. But it seems impossible for British subjects, if unmolested in their rights and privileges, to occasion any such irritation as the United States Commissioners expressed their anxiety to avoid. The provocation would be confined entirely to foreign intruders seeking their own gains at the cost and injury of British fishermen, thereby, perhaps, involving both nations in serious difficulties and incalculable expense. The duty (with its attendant cost) of guarding against any such vexations on the part of United States citizens devolves solely on the American Government. If, to avoid the onerous responsibility of fulfilling it, and at the same time to secure for the inhabitants and trade of the country the concurrent use of these valuable privileges, the Government of the United States requires to pay fair equivalents, it certainly cannot be expected that Great Britain would abate the just estimation placed on them because of a mere assertion by the United States as beneficiary "that their value is overestimated," or that any further measure of concession is due to international amity. Great Britain claims to have fully reciprocated the desire expressed by the United States Commissioners; and being in possession of proprietary rights of special importance and value to herself, the mutual enjoyment of which was voluntarily sought on behalf of United States citizens, we are justified in asking the present Commission to consider these circumstances in determining the matter thus referred to equitable assessment under the present treaty.

CHAPTER III.—*Advantages derived by British subjects.*

1. *Liberty of fishing in United States waters and other privileges connected therewith.*

The privileges granted to British subjects by Article XIX. of the

Treaty of Washington are the same right of fishing and landing for purposes connected with fishing in United States waters, north of 39th parallel of north latitude, as are granted to United States citizens in British North American waters. It may, at the outset, be stated that this concession is absolutely valueless.

That the several kinds of sea fishes formerly abundant on the northeastern sea-coasts of the United States have not merely become very scarce, but are in some localities almost extinct, is an unquestionable fact. An exhaustive investigation into the causes of their decline was commenced in 1871 by Professor Baird, the chief of the United States Fisheries Commission, and is still in progress. This eminently thorough and scientific investigator reports, substantially, that the failing supply of edible coast fishes is mainly due to overnetting and incessant fishing by other means. These causes, joined to continuous havoc made by predaceous fishes, have considerably exhausted the coast fisheries along the southern and northeastern seaboard of the United States. The Fishery Commissioners of the State of Maine, in their reports for 1872, endorse the official statements of the Federal Commissioner, that the sea fishes on the coasts of New England have "almost entirely disappeared," and that "the people are obliged to resort to far-distant regions to obtain the supply which formerly could be secured almost within sight of their homes."

The following extracts from Professor Baird's report, published in 1873, are conclusive:

In view of the facts adduced in reference to the shore fisheries, there can be no hesitation in accepting the statement that there has been an enormous diminution in the number, although this had already occurred to a considerable degree, with some species, by the beginning of the present century.

The testimony everywhere, with scarcely an exception, both from line-men and trappers, was that the whole business of fishing was pretty nearly at an end, and that it would scarcely pay parties to attempt to continue the work on a large scale in 1873.

When the above statements are fairly considered, and when we also consider that the only remedy for this state of decline is to diminish the numbers and restrict the catchment powers of fishing-engines in use, it is highly improbable that any foreigner will resort to these waters for fishing purposes.

In a geographical sense, the fishery grounds thus formally opened to British subjects comprise about 2,000 square miles, distant and unproductive, and which, for these and other reasons, are practically unavailable to the British fisherman. It is shown above that the best United States authorities concur in opinion that these fisheries are rapidly becoming exhausted, affording scarcely remunerative employment for American fishermen, who have been themselves obliged to abandon these grounds and resort in large numbers to the more productive waters of Canada. It is as impossible to conceive in theory that British fishermen should forsake their own abundant waters to undertake a long and arduous voyage to those distant and unremunerative fisheries, as it is an undisputed matter of fact that they do not, and, in all probability, never will do so.

A similar concession embodied in the Reciprocity Treaty of 1854, which embraced three degrees more in a southerly direction, extending along the coasts of Delaware, Maryland, Virginia, and part of North Carolina, to the thirty-sixth parallel of north latitude, proved, during the twelve years it existed, of no practical value whatsoever, not a single British fisherman having utilized it.

The question of bait must now be considered, as some importance may

perhaps be attached by the United States to the supposed advantages derived in this respect by British subjects. It might appear, at first sight, that the privilege of resorting to the inshores of the Eastern States to procure bait for mackerel fishing was of practical use. Menhaden are said to be found only in United States waters, and are used extensively in the mackerel fishing, which is often successfully pursued with this description of bait, especially by its use for feeding and attracting the shoals. It is, however, by no means indispensable; other fish-baits, plentiful in British waters, are quite as successfully used in this particular kind of fishing business, and very generally in other branches, both of deep-sea and inshore fishing, as, for example, fresh herrings, alewives, capelin, sandlaunce, smelts, squids, clams, and other small fishes caught chiefly with seines close inshore. British fishermen can thus find sufficient bait at home, and can purchase from American dealers any quantities they require much cheaper than by making voyages to United States waters in order to catch it for themselves. It is a remarkable fact that for six years past American fishermen have bought from Canadians more herring-bait alone than all the menhaden bait imported into Canada during the same period. The menhaden bait itself can also be bred and restored to places in the Bay of Fundy, on the western coast of Nova Scotia, where it existed up to the time of its local extermination.

It is notorious that the supply both of food and bait fishes has become alarmingly scarce along the United States coast. At Gloucester alone some thirty vessels are engaged during about six months in each year catching menhaden for bait. They sell about \$100,000 worth annually, and, by catching them immoderately in nets and weirs for supplying bait and to furnish the oil-mills, they are rapidly exterminating them. The Massachusetts Fishery Commissioners, in their report for 1872, state that "It takes many hands working in many ways to catch bait enough for our fishing fleet, which may easily be understood when it is remembered that each George's man takes fifteen or twenty barrels for a trip; and that each mackereler lays in from 75 to 120 barrels, or even more than that." One of the principal modes for the capture of bait and other fishes on the New England coast is by fixed traps or pounds on the shore. By means of these, herrings, alewives, and menhaden are caught as bait for the sea fishery, besides merchantable fish for the markets, and the coarser kinds for the supply of the oil factories. There are upward of sixty of these factories now in operation on the New England coast. The capital invested in them approaches \$3,000,000. They employ 1,197 men, 383 sailing-vessels, and 29 steamers, besides numerous other boats. The fish material which they consume yearly is enormous, computed at about 1,191,100 barrels, requiring whole fishes to the number of about 300,000,000. These modes of fishing for menhaden and other bait are furthermore such as to preclude strangers from participating in them without exceeding the terms of the treaty; and even without this difficulty, it must be apparent that such extensive native enterprises would bar the competition and suffice to insure the virtual exclusion of foreigners.

The attention of the Commissioners is therefore respectfully drawn to the following points:

1. The "sea fishery" is distant and unproductive.
2. The inshores are occupied to the fullest possible extent, and the supply, especially in the matter of bait, is rapidly becoming exhausted.
3. British fishermen have not, either during the Reciprocity Treaty or the Treaty of Washington, availed themselves of the freedom of fishing in the United States waters.

A careful consideration of these points will, we believe, lead to conviction that in this respect no advantage whatever accrues to the subjects.

2. Customs remissions by the United States in favor of Canada.

The privilege of a free market in the United States for the fish of the fisheries of the Dominion of Canada, excepting fish of the lakes and tributary rivers, and fish preserved in oil, remains to be considered. It forms the only appreciable concession afforded by the United States for the right of free fishery in British waters, and the collateral advantages derived by United States citizens. We have already alluded in paragraph 5 of chapter 2 of this Case to the mutual benefit of a reciprocal free market for fish. This is so clearly an advantage to both countries, and particularly to the nation comprising the largest number of fishermen, traders, and consumers, that it cannot be contended that in this respect any advantage is conceded to Canada which is anticipated in by the United States.

CONCLUSION.

For these and other reasons Her Majesty's Government, for the cession of these privileges in respect of the Dominion of Canada, over and above the value of any advantages conferred on British subjects under the Fishery Articles of the Treaty of Washington, a sum of \$12,000,000, to be paid in accordance with the terms of the treaty.

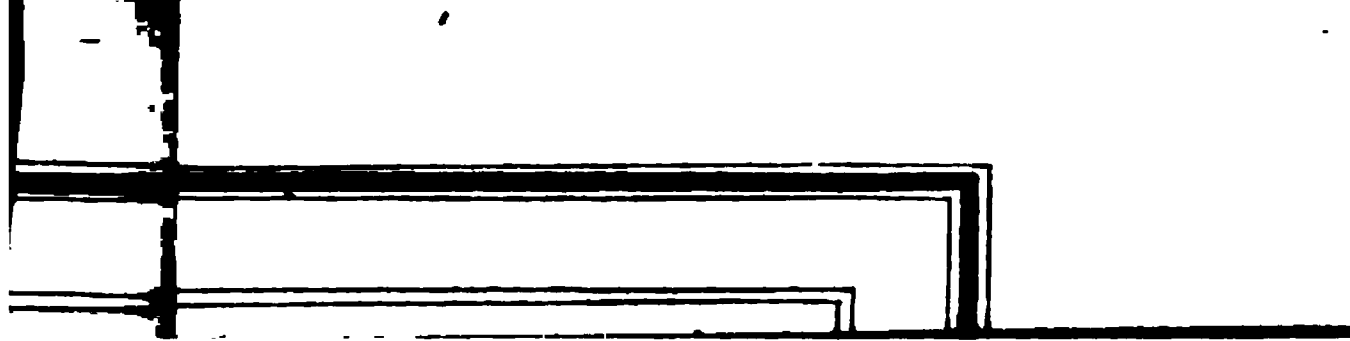
PART II.—NEWFOUNDLAND.

CHAPTER I,—*Introduction and description of Newfoundland fishes.*

It has been already submitted, on page 15 of the introductory part of this case, that the following basis is the only one which it is possible to adopt under the terms of the first part of Article XVIII of the Treaty of Washington, 1871, namely, that the value of the privileges granted to each country respectively by Articles XVIII, XIX, and XXI of the treaty, which were not enjoyed under the 1st Article of the Convention of the 20th of October, 1818, is that which this Commission is constituted to determine.

The position occupied by Newfoundland in regard to the right of fishing enjoyed by the United States citizens on her coasts is, however, on many points distinct from that of Canada, and it is desirable to state precisely how the case stands.

By Article I of the Convention of 1818 the inhabitants of the United States acquired "forever the liberty to take fish of every kind on any part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle-Isle, and thence northwardly indefinitely along the coast, and the liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and the coast of Labrador; but so soon as the same, or any part thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled without previous agreement to that purpose with the inhabitants, proprietors, or possessors of the ground; and the United States renounced forever any liberty heretofore enjoyed by them in that behalf."



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CONCLUSION.

For these and other reasons Her Majesty's Government, for the cession of these privileges in respect of the Dominion of Canada, offer over and above the value of any advantages conferred on British subjects under the Fishery Articles of the Treaty of Washington, a sum of \$12,000,000, to be paid in accordance with the terms of the treaty.

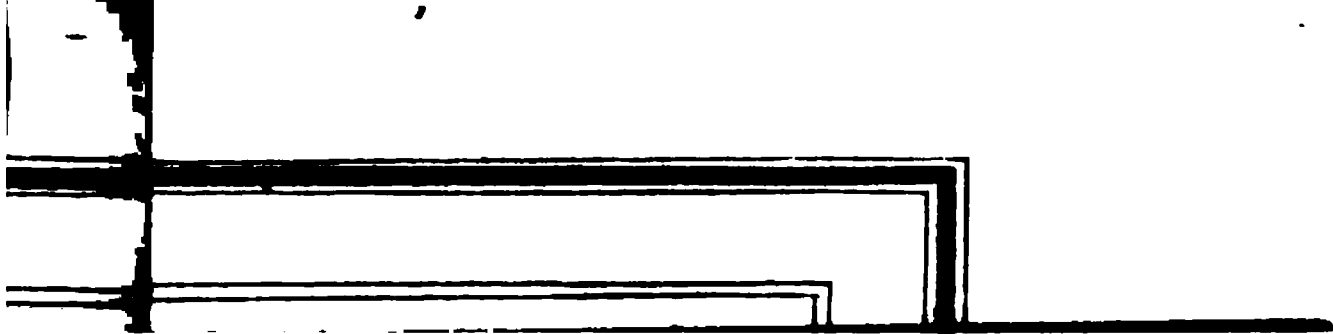
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The position occupied by Newfoundland in regard to the right of fishing enjoyed by the United States citizens on her coasts is, however, on many points distinct from that of Canada, and it is desirable to state precisely how the case stands.

By Article I of the Convention of 1818 the inhabitants of the United States acquired "forever the liberty to take fish of every kind on any part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, and along all the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle-Isle, and thence northwardly indefinitely along the coast, and the liberty forever to land and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and the coast of Labrador; but so soon as the same, or any part thereof, shall be settled, it shall not be lawful for the said fishermen to land or cure fish at such portions so settled without previous agreement in that behalf made with the inhabitants, proprietors, or possessors of the ground; and the United States renounced forever any liberty heretofore enjoyed by them in that behalf."



fore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Majesty's dominions in America not included within the above-mentioned limits; provided, however, that the United States fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever; but they shall be under such restrictions as shall be necessary to prevent their taking, drying, or curing fish therein or in any other matter whatever abusing the privileges hereby reserved to them."

In addition to the privileges so enjoyed under the Convention of 1818, Articles XVIII and XXI of the Treaty of Washington granted to United States citizens :

(1.) The liberty to take fish of every kind, except shell-fish, on the remaining portion of the coast of Newfoundland, with liberty to land on the said coast for the purpose of drying their nets and curing their fish; provided, that in so doing they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coast in their occupancy for the said purpose; the salmon and shad fisheries and all other fisheries in rivers and mouths of rivers being reserved exclusively for British fishermen.

(2.) The admission into Newfoundland of fish-oil and fish of all kinds, except fish of the inland lakes and rivers falling into them, and except fish preserved in oil, being the produce of fisheries of the United States, free of duty.

The enjoyment of these privileges to continue for the period of twelve years certain.

In return for the privileges so granted to United States citizens, British subjects acquired under the same treaty—

1. Similar rights of fishing and landing on United States coasts north of the 39th parallel of north latitude; and,

2. The admission into the United States of fish-oil and fish of all kinds, except fish preserved in oil, being the produce of the fisheries of Newfoundland, free of duty.

These privileges are also to continue for a period of twelve years certain.

A reference to the accompanying map will show that the coast, the entire freedom of which for fishing purposes has thus been acquired by the United States for a period of twelve years, embraces that portion extending from the Rameau Islands on the southwest coast of the island eastward and northwardly, to the Quirpon Islands. This coast contains an area of upwards of 11,000 square miles, including admittedly the most valuable cod-fisheries in the world. Fish of other descriptions, namely, herring, capelin, and squid, which are by far the best bait for the successful prosecution of the cod-fisheries, can be taken in unlimited quantities close inshore along the whole coast, whilst in some parts are turbot, halibut, and lance.

The subjoined tables (Appendix B) of the exports of fish from Newfoundland for the past seven years will show the enormous and increasing value of these fisheries; and the census returns also annexed (Appendix C) afford the clearest evidence that the catch is very large in proportion to the number of men, vessels, and boats engaged in fishing operations on the coasts of Newfoundland, which have been thrown open to United States citizens under the Treaty of Washington.

In addition to the value, as shown above, of the inshore fisheries, the proximity of the Bank fisheries to the coast of Newfoundland forms a

very important element in the present inquiry. These fisheries are situated at distances varying from 35 to 200 miles from the coast of Newfoundland, and are productive in the highest degree. Although they are open to vessels of all nations, their successful prosecution depends almost entirely in securing a commodious and proximate basis of operations. Bait, which can be most conveniently obtained in the inshore waters of Newfoundland, is indispensable, and the supply of capelin, squid, and herring is there inexhaustible for this purpose.

With reference to the importance which has from earliest times been attached to the value of the fisheries of Newfoundland, it is to be observed that a great portion of the articles in the treaties of 1783 and 1818 between Great Britain and the United States is devoted to careful stipulations respecting their enjoyment; and it will not escape the observation of the Commissioners that the privileges granted to United States fishermen in those treaties were always limited in extent, and did not confer the entire freedom for fishing operations which is now accorded by the Treaty of Washington, even on those portions of the coast which were then thrown open to them. Thus, whilst according the privilege of fishing on certain portions of the coast, the treaty of 1783 denied the right of landing to dry and cure on the shore, and the result was that, so far as concerned dried codfish, the concession to the United States was of little or no advantage to them. It was indispensable to the production of a superior article of dried codfish that there should be a speedy landing and curing in a suitable climate. The climate of the United States is not adapted for this purpose, whilst that of Newfoundland is peculiarly suitable. This fact is evidenced by the United States having never competed with Newfoundland in foreign markets in the article of dried codfish, whilst they were debarred from landing on Newfoundland shores. Again, it is necessary for the prosecution of the fisheries, with reasonable prospects of lucrative results, that the fishermen should be in proximity to their curing and drying establishments.

The treaty of 1783 was annulled by the war of 1812, and the stipulations of Article I of the Convention of 1818, quoted *in extenso* on page 4* of this case, made important modifications in the privileges heretofore enjoyed by United States fishermen. Although they had, under this convention, the liberty of drying and curing fish upon the southern coast of Newfoundland from the Rameau Island to Cape Ray, it was confined to the unsettled bays, harbors, and creeks within these limits, and, it being provided that so soon as any portion thereof should be settled, the liberty should cease, the fishermen of the United States have been prevented, by the coast becoming generally settled, from availing themselves of the liberty so conceded. Previously, therefore, to the Treaty of Washington, United States fishermen did not interfere with the Newfoundland fishermen as regards the article of dried codfish, although they prosecuted the herring-fishery at Bonne Bay and Bay of Islands on the western coast.

The question of the privileges of fishing on certain portions of the Newfoundland shores enjoyed by French fishermen does not come within the scope of this Commission, yet a passing allusion may be made to it. These privileges consist in the freedom of the inshore fisheries from Cape Ray northwardly to Quirpon Islands, and from thence to Cape John, on parallel 50° of north latitude; and the value attached to this right by the French Government is attested by their solicitude in main-

taining it, and by the amount of French capital embarked in the prosecution of these fisheries. This affords another proof of the productiveness of the waters of the island.

CHAPTER II.—*Advantages derived by United States citizens.*

It will not be a matter of surprise that there should be an absence of exact statistical information when the facts are taken into consideration that, until the Washington Treaty, this vast extent of fishery was exclusively used by the people of Newfoundland—sparsely scattered over a long range of coast, for the most part in small settlements, between the majority of which the only means of communication is by water, and where, up to the present time, there was no special object in collecting statistical details. It is proposed, however, to show, by such evidence as will, it is believed, satisfy the Commissioners, the nature and value of the privileges accorded to the citizens of the United States under the Treaty of Washington. These may be conveniently divided into three heads, as follows:

I. The entire freedom of the inshore fisheries.

II. The privilege of procuring bait, refitting, drying, transshipping, and procuring supplies.

III. The advantage of a free market in Newfoundland for fish and fish-oil.

The privileges granted in return to British subjects will be treated subsequently, and consist of—

1. The liberty of prosecuting fishing operations in United States waters north of the 39th parallel of north latitude; and,

2. The advantages of a free market in the United States for fish and fish-oil.

I. *The entire freedom of the inshore fisheries.*

Newfoundland, from that part of its coast now thrown open to United States fishermen, yearly extracts, at the lowest estimate, \$5,000,000 worth of fish and fish-oil, and when the value of fish used for bait and local consumption for food and agricultural purposes, of which there are no returns, is taken into account, the total may be fairly stated at \$6,000,000 annually.

It may possibly be contended on the part of the United States that their fishermen have not in the past availed themselves of the Newfoundland inshore fisheries, with but few exceptions, and that they would and do resort to the coasts of that island only for the purpose of procuring bait for the Bank fishery. This may up to the present time, to some extent, be true as regards codfish, but not as regards herring, turbot, and halibut. It is not at all probable that, possessing as they now do the right to take herring and capelin for themselves on all parts of the Newfoundland coasts, they will continue to purchase as heretofore, and they will thus prevent the local fishermen, especially those of Fortune Bay, from engaging in a very lucrative employment which formerly occupied them during a portion of the winter season for the supply of the United States market.

The words of the Treaty of Washington, in dealing with the question of compensation, make no allusion to what use the United States may or do make of the privileges granted them, but simply state that, inasmuch as it is asserted by Her Majesty's Government that the privileges accorded to the citizens of the United States under Article XVIII are of greater value than those accorded by Articles XIX and XXI to the

subjects of Her Britannic Majesty, and this is not admitted by the United States, it is further agreed that a Commission shall be appointed, having regard to the privileges accorded by the United States to Her Britannic Majesty's subjects in Articles Nos. XIX and XXI, the amount of any compensation to be paid by the Government of the United States to that of Her Majesty in return for the privileges accorded to the United States under Article XVIII.

It is asserted, on the part of Her Majesty's Government, that the actual use which may be made of this privilege at the present moment is not so much in question as the actual value of it to those who may, if they will, use it. It is possible, and even probable, that United States fishermen may at any moment avail themselves of the privilege of fishing in Newfoundland inshore waters to a much larger extent than they do at present; but even if they should not do so, it would not relieve them from the obligation of making the just payment for a right which they have acquired subject to the condition of making that payment. The case may be not inaptly illustrated by the somewhat analogous one of a tenancy of shooting or fishing privileges; it is not because the tenant fails to exercise the rights which he has acquired by virtue of his lease that the proprietor should be debarred from the recovery of his rent.

There is a marked contrast, to the advantage of the United States citizens, between the privilege of access to fisheries the most valuable and productive in the world, and the barren right accorded to the inhabitants of Newfoundland of fishing in the exhausted and preoccupied waters of the United States north of the thirty-ninth parallel of north latitude, in which there is no field for lucrative operations even if British subjects desired to resort to them; and there are strong grounds for believing that year by year, as United States fishermen resort in greater numbers to the coasts of Newfoundland for the purpose of procuring bait and supplies, they will become more intimately acquainted with the resources of the inshore fisheries and their unlimited capacity for extension and development. As a matter of fact, United States vessels have, since the Washington Treaty came into operation, been successfully engaged in these fisheries; and it is but reasonable to anticipate that, as the advantages to be derived from them become more widely known, larger numbers of United States fishermen will engage in them.

A participation by fishermen of the United States in the freedom of these waters must, notwithstanding their wonderfully reproductive capacity, tell materially on the local catch, and, while affording to the United States fishermen a profitable employment, must seriously interfere with local success. The extra amount of bait also which is required for the supply of the United States demand for the bank fishery must have the effect of diminishing the supply of cod for the inshores, as it is well known that the presence of that fish is caused by the attraction offered by a large quantity of bait fishes, and as this quantity diminishes the cod will resort in fewer number to the coast. The effect of this diminution may not in all probability be apparent for some years to come, and whilst United States fishermen will have the liberty of enjoying the fisheries for several years in their present teeming and remunerative state, the effects of overfishing may, after their right to participate in them has lapsed, become seriously prejudicial to the interests of the local fishermen.

II.—*The privilege of procuring bait and supplies, refitting, drying, transshipping, &c.*

Apart from the immense value to United States fishermen of participation in the Newfoundland inshore fisheries, must be estimated the important privilege of procuring bait for the prosecution of the bank and deep-sea fisheries, which are capable of unlimited expansion. With Newfoundland as a basis of operations, the right of procuring bait, refitting their vessels, drying and curing fish, procuring ice in abundance for the preservation of bait, liberty of transshipping their cargoes, &c., an almost continuous prosecution of the bank fishery is secured to them. By means of these advantages United States fishermen have acquired, by the Treaty of Washington, all the requisite facilities for increasing their fishing operations to such an extent as to enable them to supply the demand for fish food in the United States markets, and largely to furnish the other fish-markets of the world, and thereby exercise a competition which must inevitably prejudice Newfoundland exporters. It must be remembered, in contrast with the foregoing, that United States fishing craft, before the conclusion of the Treaty of Washington, could only avail themselves of the coast of Newfoundland for obtaining a supply of wood and water, for shelter, and for necessary repairs in case of accident, *and for no other purpose whatever*; they therefore prosecuted the bank fishery under great disadvantages, notwithstanding which, owing to the failure of the United States local fisheries, and the consequent necessity of providing new fishing grounds, the bank fisheries have developed into a lucrative source of employment to the fishermen of the United States. That this position is appreciated by those actively engaged in the bank fisheries is attested by the statements of competent witnesses, whose evidence will be laid before the Commission.

It is impossible to offer more convincing testimony as to the value to United States fishermen of securing the right to use the coast of Newfoundland as a basis of operations for the bank fisheries than is contained in the declaration of one who has been for six years so occupied, sailing from the ports of Salem and Gloucester, in Massachusetts, and who declares that it is of the greatest importance to United States fishermen to procure from Newfoundland the bait necessary for those fisheries, and that such benefits can hardly be overestimated; that there will be, during the season of 1876, upwards of 200 United States vessels in Fortune Bay for bait, and that there will be upwards of 300 vessels from the United States engaged in the Grand Bank fishery; that owing to the great advantage of being able to run into Newfoundland for bait of different kinds, they are enabled to make four trips during the season; that the capelin, which may be considered as a bait peculiar to Newfoundland, is the best which can be used for this fishery, and that a vessel would probably be enabled to make two trips during the capelin season, which extends over a period of about six weeks. The same experienced deponent is of opinion that the bank fisheries are capable of immense expansion and development, and that the privilege of getting bait on the coast of Newfoundland is indispensable for the accomplishment of this object.

As an instance of the demand for bait supplies derived from the Newfoundland inshore fisheries, it may be useful to state that the average amount of this article consumed by the French fishermen, who only prosecute the Bank fisheries during a period of about six months of the year, is from \$120,000 to \$160,000 annually. The herring, capelin, and

squid amply meet these requirements and are supplied by the people of Fortune and Placentia Bays, the produce of the Islands of St. Pierre and Miquelon being insufficient to meet the demand.

It is evident from the above considerations that not only are the United States fishermen almost entirely dependent on the bait supply from Newfoundland, now open to them for the successful prosecution of the Bank fisheries, but also that they are enabled, through the privileges conceded to them by the Treaty of Washington, to largely increase the number of their trips, and thus considerably augment the profits of the enterprise. This substantial advantage is secured at the risk, as before mentioned, of hereafter depleting the bait supplies of the Newfoundland inshores, and it is but just that a substantial equivalent should be paid by those who profit thereby.

We are therefore warranted in submitting to the Commissioners that not only should the present actual advantages derived on this head by United States fishermen be taken into consideration, but also the probable effect of the concessions made in their favor. The inevitable consequence of these concessions will be to attract a larger amount of United States capital and enterprise following the profits already made in this direction, and the effect will be to inflict an injury on the local fishermen, both by the increased demand on their sources of supply and by competition with them in their trade with foreign markets.

III.—*The advantage of a free market for fish and fish-oil in Newfoundland.*

It might at first sight appear from the return of fish exports from the United States to Newfoundland that this privilege was of little or no value; indeed, the duties when collected on this article were of insignificant amount. There is, however, an important benefit conferred by it on United States fishermen engaged in the Bank fisheries. In fishing on the banks and deep-sea, heretofore large quantities of small fish were thrown overboard as comparatively useless, when large fish, suitable for the United States market, could be obtained in abundance; this practice was highly prejudicial to the fishing grounds.

Under the Washington Treaty, two objects are attained: first, a market for the small fish at remunerative prices in Newfoundland; and secondly, the preservation of the fishing grounds.

It is evident that, although at the present time United States fishermen have been in enjoyment of the privileges conferred by the Treaty of Washington only for a short period, and may not have availed themselves to the full extent of this privilege, the actual profits derived thereby, and which, in certain instances, will be substantiated before the Commissioners by the evidence of competent witnesses, will be more fully appreciated during the remaining years of the existence of the right, and this item must form a part of the claim of Newfoundland against the United States.

CHAPTER III.—*Advantages derived by British subjects.*

Having now stated the advantages derived by United States fishermen under the operation of the Treaty of Washington, it remains to estimate the value of the privileges granted thereby in return to the people of Newfoundland.

In the first place, the value of the right of fishing on the United States coast conceded to them must be considered. This consists in

the liberty of fishing operations, with certain exceptions already set forth, on that part of the United States coast north of the 39th parallel of north latitude.

The arguments on this head contained in section 1 of chapter 3, in the "case" of Canada, will, it is believed, have satisfied the Commissioners that no possible benefit can be derived by the fishermen of Newfoundland in this respect. Indeed, all that has been said with regard to Canada applies with even greater force to the more distant colony of Newfoundland. Evidence has, however, been collected, and will be laid before the Commissioners, if required, to prove that no fishermen from Newfoundland resort to United States waters for fishing operations.

Second, and finally, the remission of the duty by the United States on Newfoundland exports of fish and fish-oil must be taken into account, and this, no doubt, will be viewed as the most important item of set-off to the privileges conferred on United States citizens.

This privilege is, however, reciprocal, and enables the people of the United States to dispose of their fish in Newfoundland markets. When the comparatively small export of Newfoundland fish and fish-oil to the United States is taken into consideration, the amount of duty remitted thereon is so insignificant that it could not, under any circumstances, be entertained as an offset for a participation in the privileges accorded under Article XVIII of the Treaty of Washington.

The tables annexed (Appendix D) will show not only the small amount of exports of this article from Newfoundland to the United States, but also the large and increasing trade with other countries. Even if a prohibitory duty were imposed in the United States on exports of fish from Newfoundland, it would be a matter of small moment to that colony, which would readily find a profitable market for the small quantities of fish which would otherwise be exported in that direction.

Again, upon an article so largely consumed as fish is in the United States, a remission of duty must be admitted to be a benefit to the community remitting the duty, as in reality it relieves the consumer, while it affords no additional remuneration to the shipper; and this, as a matter of fact, has been particularly the case as regards Newfoundland fish shipments to the United States.

The opening up of the fishing-grounds in Newfoundland, and their bait-supply to United States enterprise, enables the people of that country to meet the demand for fish-food in their markets; already an appreciable falling off has taken place in the exports to that country of Newfoundland-caught fish (which has always been very limited), and which, it may not unreasonably be supposed, will soon cease, owing to the extension of United States fishing enterprise.

CONCLUSION.

It has thus been shown that under the Treaty of Washington there has been conceded to the United States—

First. The privilege of an equal participation in a fishery vast in area, teeming with fish, continuously increasing in productiveness, and now yielding to operatives, very limited in number when considered with reference to the field of labor, the large annual return of upwards of \$6,000,000, of which 20 per cent. may be estimated as net profit, or \$1,200,000.

It is believed that the claim on the part of Newfoundland in respect of this portion of the privileges acquired by United States citizens un-

der the Treaty of Washington will be confined to the most moderate dimensions when estimated at one-tenth of this amount, namely, \$120,000 per annum, or, for the twelve years of the operation of the treaty, a total sum of \$1,440,000.

Secondly. There has also been conceded to the United States the enormous privilege of the use of the Newfoundland coast as a basis for the prosecution of those valuable fisheries in the deep sea on the banks of that island capable of unlimited development, and which development must necessarily take place to supply the demand of extended and extending markets. That the United States are alive to the importance of this fact, and appreciate the great value of this privilege, is evidenced by the number of valuable fishing-vessels already engaged in this branch of the fisheries.

We are warranted in assuming the number at present so engaged as at least 300 sail, and that each vessel will annually take, at a moderate estimate, fish to the value of \$10,000. The gross annual catch made by United States fishermen in this branch of their operations cannot, therefore, be valued at less than \$3,000,000, and of this at least 20 per cent., or \$600,000 per annum, may fairly be reckoned as net profit; of this profit Newfoundland is justified in claiming one-fifth as due to her for the great advantages derived by the United States fishermen under the Treaty of Washington of securing Newfoundland as a basis of operations and a source of bait-supply indispensable to the successful prosecution of the Bank fisheries. An annual sum of \$120,000 is thus arrived at, which, for the twelve years of the operation of the treaty would amount to \$1,440,000, which is the sum claimed by Her Majesty's Government on behalf of Newfoundland in this respect.

In conclusion, for the concession of the privileges shown above, Her Majesty's Government claim, in respect of the colony of Newfoundland, over and above any alleged advantages conferred on British subjects under the fishery articles of the Treaty of Washington, a gross sum of \$2,880,000, to be paid in accordance with the terms of the treaty.

SUMMARY.

In Part I of this case, the claim of Her Majesty's Government in respect of the Dominion of Canada has been stated at a sum of \$12,000,000; their claim in respect of the colony of Newfoundland has been stated in Part II at a sum of \$2,880,000—or a gross total of \$14,880,000—which is the amount which they submit should be paid to them by the Government of the United States, under the provisions of Article XXII of the Treaty of Washington of the 8th May, 1871.

FISHERY COMMISSION UNDER THE TREATY OF WASHINGTON OF MAY 8, 1871.

(Appendix to Case of Her Majesty's Government.)

APPENDIX A.—Table of the aggregate quantities and values of fish, the produce of Canadian fisheries in the Provinces of Nova Scotia, New Brunswick, and Quebec, from 1833 to 1875, and in Prince Edward Island since its entry into confederation in 1874.

[Compiled from Departmental Fishery Reports for the above-named years.]

| Kind of fish. | 1860. | | 1870. | | 1875. |
|-----------------------------|-----------|----------------|-----------|---------------|----------------|
| | Quantity. | Value. | Quantity. | Value. | |
| | | | | | |
| Codfish..... cwt. | 510,336 | \$1,690,441 00 | 573,673 | \$2,517,777 4 | \$3,490,192 00 |
| Do..... barrels | ..... | ..... | 2,340 | 5,850 | ..... |
| Herring..... do | 296,921 | 1,077,606 00 | 342,630 | 944,131 4 | 1,112,765 00 |
| Herring, smoked..... boxes | 169,879 | 49,219 50 | 73,745 | 112,287 4 | 151,677 00 |
| Do..... barrels | ..... | ..... | 1,000 | 6,400 | ..... |
| Herring, fresh..... do | ..... | ..... | ..... | ..... | ..... |
| Mackerel..... do | 51,011 | 530,110 00 | 62,123 | 1,092,636 00 | 1,065,110 00 |
| Do..... pounds | ..... | ..... | ..... | ..... | 4,049 00 |
| Do..... cans | ..... | ..... | ..... | ..... | 8,040 00 |
| Haddock..... cwt. | 2,066 | 8,344 00 | ..... | ..... | 2,868 00 |
| Do..... barrels | 1,372 | 6,800 00 | 1,757 | 7,865 00 | 1,715 00 |
| Do..... pounds | ..... | ..... | ..... | ..... | 4,800 00 |
| Do..... number | ..... | ..... | 24,000 | 12,000 00 | ..... |
| Halibut..... cwt. | ..... | ..... | ..... | ..... | ..... |
| Do..... barrels | 1,051 | 5,845 00 | 1,764 | 10,354 00 | 27,485 00 |
| Do..... pounds | ..... | ..... | ..... | ..... | ..... |
| Pollack..... cwt. | 6,767 | 26,301 00 | 640 | 1,690 00 | ..... |
| Do..... quintals | ..... | ..... | ..... | ..... | ..... |
| Hake..... cwt. | 1,410 | 4,935 00 | 300 | 990 00 | ..... |
| Do..... quintals | ..... | ..... | ..... | ..... | ..... |
| Flounders..... barrels | 900 | 2,000 00 | ..... | ..... | 59,793 00 |
| Salmon..... do | 7,662 | 100,320 00 | 12,6134 | 301,653 50 | 72,399 00 |
| Salmon, in ice..... pounds | ..... | ..... | 209,275 | 196,505 00 | 112,346 00 |
| Salmon, fresh..... number | 19,341 | 19,341 00 | ..... | ..... | 207,649 00 |
| Salmon, smoked..... boxes | ..... | ..... | ..... | ..... | ..... |
| Do..... number | ..... | ..... | 2,500 | 550 00 | ..... |
| Salmon, preserved..... cans | 839 | 859 00 | ..... | ..... | ..... |
| Trout..... barrels | 764,790 | 196,097 50 | 575,517 | 132,779 00 | 64,108 00 |
| Do..... pounds | 148 | 1,485 00 | 845 | 2,246 00 | 2,765 00 |
| Alewives..... do | ..... | ..... | ..... | ..... | ..... |
| Shad..... barrels | 11,698 | 31,054 00 | 39,949 | 137,347 00 | 104,191 00 |
| Do..... do | 6,193 | 12,364 00 | 11,497 | 94,194 00 | 55,504 00 |
| Do..... number | 73,601 | 3,495 56 | 16,949 | 1,694 90 | 1,596 00 |
| Pinnau baddies..... barrels | ..... | ..... | ..... | ..... | ..... |
| Kels..... do | 523 | 4,424 00 | 1,000 | 8,469 00 | 152,390 00 |
| Do..... number | 109,945 | 10,963 50 | 122,023 | 12,303 36 | 20,945 00 |
| Scaldfish..... cwt. | 87,139 | 140,204 00 | 92,513 | 322,795 07 | ..... |

APPENDIX A.—Table of the aggregate quantities and values of fish, &c.—Continued.

| Kinds of fish. | 1869. | | 1870. | | 1871. | | 1872. | |
|-----------------------------|-----------|--------------|-----------|--------------|-----------|--------------|-----------|--------------|
| | Quantity. | Value. | Quantity. | Value. | Quantity. | Value. | Quantity. | Value. |
| Bass..... | 300 | \$3,000 00 | 20,175 | \$1,210 00 | 143,731 | \$8,623 00 | 1,095 | \$4,653 00 |
| Do..... | 62 | 7,440 00 | 820 | 3,280 00 | 350 | 1,750 00 | 2,920 | 12,410 00 |
| Smelts..... | 600 | 1,800 00 | 42,000 | 126,000 00 | 485,100 | 19,106 00 | 24,820 | 74,460 00 |
| Do..... | 3904 | 1,562 00 | 1,120,000 | 24,038 30 | 13,150 | 39,450 00 | 1,113 | 4,452 00 |
| Oysters..... | 7,500 | 8,767 00 | 71 | 355 00 | 61,122 | 56,084 00 | 27 | 135 00 |
| Mixed fish..... | 3,022 | 15,110 00 | | | 16 | 80 00 | | |
| Do..... | | | | | | | | |
| Gaspereaux..... | | | | | | | | |
| Ling..... | | | | | | | | |
| Lunge..... | | | | | | | | |
| Winnoniche..... | | | | | | | | |
| Touladi..... | | | | | | | | |
| Trout, speckled..... | 369 | 1,845 00 | 219 | 1,095 00 | 311 | 1,555 00 | 2,040 | 10,200 00 |
| Sturgeon..... | 3274 | 655 66 | 6,359 | 12,718 00 | 4,356 | 8,712 00 | 3,161 | 6,322 00 |
| Bar and whitefish..... | 10,7364 | 53,682 50 | 6,871 | 34,355 00 | 1,649 | 8,245 00 | 1,791 | 8,955 00 |
| Sardines..... | | | | | | | | |
| Pike..... | | | | | | | | |
| Pickarel..... | | | | | | | | |
| Tom cod..... | | | | | | | | |
| Small fish..... | | | | | | | | |
| Maskinonge..... | | | | | | | | |
| Seals..... | | | 40,981 | 245,846 00 | 9,042 | 54,252 00 | 8,635 | 51,230 00 |
| Porpoises..... | | | 208 | 832 00 | 115 | 4,600 00 | 25 | 1,000 00 |
| Tunny..... | 2 | 10 00 | | | 47 | 235 00 | | |
| Lobsters..... | 61,100 | 15,275 00 | 591,500 | 92,575 00 | 1,130,000 | 282,500 00 | 3,565,863 | 882,633 00 |
| Do..... | | | | | | | | |
| Cod tongues and sounds..... | 287 | 2,009 00 | 135 | 945 00 | 335 | 2,437 00 | 7,433 | 52,031 00 |
| Fish-roses..... | 443 | 5,316 00 | 230 | 1,340 00 | 2,198 | 22,652 00 | | |
| Pumice..... | 453 | 9,060 00 | 970 | 9,700 00 | 900 | 18,000 00 | | |
| Fish-guano..... | | | | | | | 738 | 11,070 00 |
| Fish for manure..... | 41,642 | 10,410 50 | 32,490 | 8,122 50 | 14,372 | 3,593 00 | 38,033 | 9,507 75 |
| Sea-fish, fresh..... | | | | | | | | |
| Do..... | | | | | | | | |
| Seal-fish, other kinds..... | | | | | | | | |
| Fish used fresh..... | | | | | | | | |
| Seal-oil..... | 53,811 | 43,018 80 | 89,762 | 71,809 60 | 18,525 | 14,890 00 | 46,116 | 36,282 80 |
| Whale oil..... | 373 | 298 40 | 24,200 | 19,360 00 | 18,000 | 14,400 00 | 16,937 | 13,549 60 |
| Porpoise-oil..... | 2,029 | 1,217 47 | 2,848 | 1,708 80 | 2,122 | 1,061 00 | 1,075 | 537 50 |
| Cod-oil..... | 103,018 | 51,509 00 | 119,093 | 59,546 50 | 160,055 | 80,027 50 | 136,589 | 68,284 50 |
| Oils..... | 33,460 | 21,751 25 | 298,226 | 134,771 00 | 417,668 | 251,490 00 | 496,134 | 392,427 00 |
| Total..... | | 4,186,382 56 | | 6,312,409 78 | | 7,379,675 85 | | 9,302,483 05 |

APPENDIX A.—Table of the aggregate quantities and values of fish, &c.—Continued.

| Kinds of fish. | 1873. | | 1874. | | 1875. | | 1876. | | 1877. | | 1878. | | 1879. | | 1880. | | 1881. | | 1882. | | 1883. | | 1884. | | 1885. | | 1886. | | 1887. | | 1888. | | 1889. | | 1890. | | 1891. | | 1892. | | 1893. | | 1894. | | 1895. | | 1896. | | 1897. | | 1898. | | 1899. | | 1900. | | 1901. | | 1902. | | 1903. | | 1904. | | 1905. | | 1906. | | 1907. | | 1908. | | 1909. | | 1910. | | 1911. | | 1912. | | 1913. | | 1914. | | 1915. | | 1916. | | 1917. | | 1918. | | 1919. | | 1920. | | 1921. | | 1922. | | 1923. | | 1924. | | 1925. | | 1926. | | 1927. | | 1928. | | 1929. | | 1930. | | 1931. | | 1932. | | 1933. | | 1934. | | 1935. | | 1936. | | 1937. | | 1938. | | 1939. | | 1940. | | 1941. | | 1942. | | 1943. | | 1944. | | 1945. | | 1946. | | 1947. | | 1948. | | 1949. | | 1950. | | 1951. | | 1952. | | 1953. | | 1954. | | 1955. | | 1956. | | 1957. | | 1958. | | 1959. | | 1960. | | 1961. | | 1962. | | 1963. | | 1964. | | 1965. | | 1966. | | 1967. | | 1968. | | 1969. | | 1970. | | 1971. | | 1972. | | 1973. | | 1974. | | 1975. | | 1976. | | 1977. | | 1978. | | 1979. | | 1980. | | 1981. | | 1982. | | 1983. | | 1984. | | 1985. | | 1986. | | 1987. | | 1988. | | 1989. | | 1990. | | 1991. | | 1992. | | 1993. | | 1994. | | 1995. | | 1996. | | 1997. | | 1998. | | 1999. | | 2000. | | 2001. | | 2002. | | 2003. | | 2004. | | 2005. | | 2006. | | 2007. | | 2008. | | 2009. | | 2010. | | 2011. | | 2012. | | 2013. | | 2014. | | 2015. | | 2016. | | 2017. | | 2018. | | 2019. | | 2020. | | 2021. | | 2022. | | 2023. | | 2024. | | 2025. | | 2026. | | 2027. | | 2028. | | 2029. | | 2030. | | 2031. | | 2032. | | 2033. | | 2034. | | 2035. | | 2036. | | 2037. | | 2038. | | 2039. | | 2040. | | 2041. | | 2042. | | 2043. | | 2044. | | 2045. | | 2046. | | 2047. | | 2048. | | 2049. | | 2050. | | 2051. | | 2052. | | 2053. | | 2054. | | 2055. | | 2056. | | 2057. | | 2058. | | 2059. | | 2060. | | 2061. | | 2062. | | 2063. | | 2064. | | 2065. | | 2066. | | 2067. | | 2068. | | 2069. | | 2070. | | 2071. | | 2072. | | 2073. | | 2074. | | 2075. | | 2076. | | 2077. | | 2078. | | 2079. | | 2080. | | 2081. | | 2082. | | 2083. | | 2084. | | 2085. | | 2086. | | 2087. | | 2088. | | 2089. | | 2090. | | 2091. | | 2092. | | 2093. | | 2094. | | 2095. | | 2096. | | 2097. | | 2098. | | 2099. | | 2100. | | 2101. | | 2102. | | 2103. | | 2104. | | 2105. | | 2106. | | 2107. | | 2108. | | 2109. | | 2110. | | 2111. | | 2112. | | 2113. | | 2114. | | 2115. | | 2116. | | 2117. | | 2118. | | 2119. | | 2120. | | 2121. | | 2122. | | 2123. | | 2124. | | 2125. | | 2126. | | 2127. | | 2128. | | 2129. | | 2130. | | 2131. | | 2132. | | 2133. | | 2134. | | 2135. | | 2136. | | 2137. | | 2138. | | 2139. | | 2140. | | 2141. | | 2142. | | 2143. | | 2144. | | 2145. | | 2146. | | 2147. | | 2148. | | 2149. | | 2150. | | 2151. | | 2152. | | 2153. | | 2154. | | 2155. | | 2156. | | 2157. | | 2158. | | 2159. | | 2160. | | 2161. | | 2162. | | 2163. | | 2164. | | 2165. | | 2166. | | 2167. | | 2168. | | 2169. | | 2170. | | 2171. | | 2172. | | 2173. | | 2174. | | 2175. | | 2176. | | 2177. | | 2178. | | 2179. | | 2180. | | 2181. | | 2182. | | 2183. | | 2184. | | 2185. | | 2186. | | 2187. | | 2188. | | 2189. | | 2190. | | 2191. | | 2192. | | 2193. | | 2194. | | 2195. | | 2196. | | 2197. | | 2198. | | 2199. | | 2200. | | 2201. | | 2202. | | 2203. | | 2204. | | 2205. | | 2206. | | 2207. | | 2208. | | 2209. | | 2210. | | 2211. | | 2212. | | 2213. | | 2214. | | 2215. | | 2216. | | 2217. | | 2218. | | 2219. | | 2220. | | 2221. | | 2222. | | 2223. | | 2224. | | 2225. | | 2226. | | 2227. | | 2228. | | 2229. | | 2230. | | 2231. | | 2232. | | 2233. | | 2234. | | 2235. | | 2236. | | 2237. | | 2238. | | 2239. | | 2240. | | 2241. | | 2242. | | 2243. | | 2244. | | 2245. | | 2246. | | 2247. | | 2248. | | 2249. | | 2250. | | 2251. | | 2252. | | 2253. | | 2254. | | 2255. | | 2256. | | 2257. | | 2258. | | 2259. | | 2260. | | 2261. | | 2262. | | 2263. | | 2264. | | 2265. | | 2266. | | 2267. | | 2268. | | 2269. | | 2270. | | 2271. | | 2272. | | 2273. | | 2274. | | 2275. | | 2276. | | 2277. | | 2278. | | 2279. | | 2280. | | 2281. | | 2282. | | 2283. | | 2284. | | 2285. | | 2286. | | 2287. | | 2288. | | 2289. | | 2290. | | 2291. | | 2292. | | 2293. | | 2294. | | 2295. | | 2296. | | 2297. | | 2298. | | 2299. | | 2300. | | 2301. | | 2302. | | 2303. | | 2304. | | 2305. | | 2306. | | 2307. | | 2308. | | 2309. | | 2310. | | 2311. | | 2312. | | 2313. | | 2314. | | 2315. | | 2316. | | 2317. | | 2318. | | 2319. | | 2320. | | 2321. | | 2322. | | 2323. | | 2324. | |
|----------------|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|-------|--|
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APPENDIX B.—Return showing the quantities and values of the undermentioned articles exported from ports between Rameau Islands to Cape Race and thence north to Twillingate inclusive, for the years 1868, 1869, 1870, 1871, 1872, 1873, and 1874.

AWARD OF THE FISHERY COMMISSION.

| Co d | Years. | Dried codfish. | | Green codfish. | | Herrings. | | Cod oil. | | Refined cod oil. | | Cod roes. | | Cod sounds and tongues. | |
|---------|---------------|----------------|---------------|----------------|----------|-----------|------------|----------|-------------|------------------|-----------|-----------|----------|----------------------------|---------|
| | | Quintals. | Values. | Quintals. | Values. | Barrels. | Values. | Tons. | Values. | Tons. | Values. | Barrels. | Values. | Packages. | Values. |
| | | | | | | | | | | | | | | | |
| | 1868..... | 829, 340 | \$2, 902, 890 | ..... | ..... | 50, 557 | \$151, 671 | 2, 754 | \$385, 560 | 244 | \$36, 000 | 1, 084 | \$2, 168 | 500 | \$500 |
| | 1869..... | 791, 339 | 3, 165, 356 | 1, 518 | \$3, 036 | 46, 340 | 139, 020 | 3, 967 | 634, 720 | 324 | 81, 000 | 844 | 3, 376 | 382 | 368 |
| | 1870..... | 915, 396 | 3, 478, 504 | 1, 331 | 2, 129 | 43, 837 | 118, 359 | 3, 441 | 509, 968 | 413 | 107, 390 | 1, 081 | 4, 324 | 279 | 279 |
| | 1871..... | 924, 016 | 3, 526, 460 | 19 | 30 | 61, 462 | 147, 508 | 4, 767 | 639, 944 | 899 | 61, 235 | 1, 895 | 5, 685 | 125 | 125 |
| | 1872..... | 847, 337 | 3, 289, 348 | 48 | 48 | 40, 162 | 120, 486 | 3, 852 | 539, 280 | 221 | 44, 200 | 857 | 6, 856 | 66 | 66 |
| | 1873..... | 983, 193 | 3, 539, 494 | 18 | 27 | 33, 632 | 70, 536 | 3, 681 | 515, 340 | 321 | 64, 900 | 856 | 2, 568 | 115 | 115 |
| | 1874..... | 1, 183, 020 | 4, 495, 760 | 6 | 9 | 35, 625 | 90, 275 | 2, 734 | 437, 440 | 221 | 50, 918 | 1, 126 | 3, 378 | 158 | 158 |
| | Total | 6, 477, 641 | 24, 497, 812 | 2, 940 | 5, 279 | 311, 615 | 837, 855 | 25, 196 | 3, 650, 852 | 2, 023 | 444, 933 | 7, 743 | 28, 355 | 1, 625 | 1, 625 |
| | Average | 925, 377 | 3, 499, 687 | 420 | 754 | 44, 516 | 119, 693 | 3, 599 | 521, 550 | 289 | 63, 562 | 1, 106 | 4, 051 | 232 | 232 |

AWARD OF THE FISHERY COMMISSION.

[illegible]

1

2

List of documents filed with the Secretary of the Halifax Commission in support of the Case of Her Majesty's Government.

1. Treaty of Paris, 1783.
2. Treaty of Ghent, 1814.
3. Convention of October 20, 1818.
4. Reciprocity Treaty, 1854.
5. Instructions to Her Majesty's High Commissioners and Protocols of the Conferences held at Washington between February 27 and May 26, 1871.
6. Treaty of Washington, May 8, 1871.
7. Imperial Act of August 6, 1872.
8. Canadian Act, June 14, 1872.
9. Prince Edward Island Act, June 29, 1872.
10. Proclamation issued at Washington, June 7, 1873.
11. Proclamation issued at Washington, May 29, 1874.
12. Documents admitting United States fishermen by Prince Edward Island in 1871.
13. Annex A. (Attached to "Case.")
14. United States Trade and Navigation Reports, 1868-'69, '70, '71, '72.
15. Mr. E. H. Derby's Report.
16. Minutes of Executive Council of Prince Edward Island, February 17, 1874.
17. Report of Commander of "La Canadienne" in 1865.
18. Schedule of Fishing Licenses issued to United States citizens, 1866, '67, '68, '69.
19. Cape Ann Advertiser, March 6, 1874.
20. United States Trade and Navigation Returns, 1866.
21. Col. R. D. Cutt's Report, 1869.
22. Mr. W. Smith's Report, 1866 (p. 27).
23. Mr. Perley's Report, 1852 (pp. 28, 33, 44, 49, 52, 56).
24. Report of Collector of Customs at Port Mulgrave, 1873.
25. Mr. Lorenzo Sabine's Report, 1865.
26. Professor Baird's Report, 1871-'72.
27. Report of the State Commissioners for Maine, 1872-'74.
28. Mr. Currie's Report, 1873.
29. Mr. Andrew's Report, 1852.
30. Canadian Fishery Reports for last ten years.
31. Report of Massachusetts Fishery Commissioners, 1872 (p. 39).
32. Annex B. (Attached to "Case.")
33. Annex C, Census Returns of Newfoundland. (Attached to "Case.")
34. Annex D, Exports from Newfoundland to Foreign Countries. (Attached to "Case.")

1. The first part of the document is a list of names and titles.

2. The second part of the document is a list of names and titles.

3. The third part of the document is a list of names and titles.

4. The fourth part of the document is a list of names and titles.

APPENDIX B.

ANSWER ON BEHALF OF THE UNITED STATES OF AMERICA TO THE CASE OF HER BRITANNIC MAJESTY'S GOVERN- MENT.

I.

Before proceeding to consider the case which has been presented on behalf of Her Majesty, the attention of the Commissioners is first called to the precise question which, and which only, they have been appointed and are authorized to determine.

By Article XVIII of the Treaty of Washington, the inhabitants of the United States have acquired, for the term of twelve years, which commenced July 1, 1873, liberty "to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore; with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

"It is understood that the above-mentioned liberty applies solely to the sea fishery; and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are reserved exclusively for British fishermen."

By Article XXII provision is made for the appointment of Commissioners to determine the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to that of Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States under Article XVIII of the treaty.

Compensation can be awarded only for such new privileges as the United States acquired by virtue of Article XVIII. It is not competent for the Commissioners to award compensation for those rights which the fishermen of the United States enjoy in common with the rest of mankind; nor for the liberty secured to them by the Convention of 1818; nor for any rights, privileges, liberties, or advantages to which the United States are entitled by virtue of any other articles of the Treaty of Washington. Nothing, except the privileges newly acquired by virtue of Article XVIII, falls within the claim for compensation which Her Majesty's Government is entitled to make, and upon the validity and amount of which the Commission has jurisdiction to determine.

These are, 1st. The privilege to fish on the sea-coasts and shores, and in the bays, harbors, and creeks of Quebec, Nova Scotia, New Brunswick, Prince Edward Island, and the adjacent islands, without being restricted to any distance from the shore.

2d. The permission to land on said coasts, shores, and islands, for the purpose of drying nets and curing fish; *provided* that they do not inter-

ferre with the rights of private property, or with the occupancy of British fishermen.

These are the only privileges accorded for which any possible compensation can be demanded. The liberty extends only to the sea fishery; the salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are reserved exclusively for British fishermen.

It becomes necessary at the outset to inquire what rights American fishermen, and those of other nations, possess, independently of treaty, upon the ground that the sea is the common property of all mankind. For the purposes of fishing, the territorial waters of every country along the sea-coast extend three miles from low-water mark; and beyond is the open ocean, free to all. In the case of bays and gulfs, such only are territorial waters as do not exceed six miles in width at the mouth, upon a straight line measured from headland to headland. All larger bodies of water, connected with the open sea, form a part of it. And wherever the mouth of a bay, gulf, or inlet exceeds the maximum width of six miles at its mouth, and so loses the character of territorial or inland waters, the jurisdictional or proprietary line for the purpose of excluding foreigners from fishing is measured along the shore of the bay, according to its sinuosities, and the limit of exclusion is three miles from low-water mark.

The United States insist upon the maintenance of these rules; believing them to conform to the well-established principles of international law, and to have received a traditional recognition from other powers, including Great Britain.

Moreover, the province of the present Commission is not to decide upon questions of international law. In determining what, if any, compensation Great Britain is entitled to receive from the United States, for the privilege of using for twelve years the in-shore sea fisheries, and for the permission to land on unoccupied and desert shores for the purpose of curing fish and drying nets, it is the manifest duty of the Commissioners to treat the question practically, and proceed upon the basis of the *status* actually existing when the Treaty of Washington was adopted.

The Commissioners who framed the Treaty of Washington decided not "to enter into an examination of the respective rights of the two countries under the treaty of 1818 and the general law of nations, but to approach the settlement of the question on a comprehensive basis."

What, then, was the practical extent of the privileges enjoyed by American fishermen at and before the date of the Treaty of Washington?

Even before the Reciprocity Treaty adopted June 5, 1854, the extreme and untenable claims put forth at an earlier day had been abandoned; and, directly after its abrogation, the colonial authorities were instructed (April 12, 1866) "that American fishermen should not be interfered with, either by notice or otherwise, unless found within three miles of the shore, or *within three miles of a line drawn across the mouth of a bay or creek which is less than ten geographical miles in width*, in conformity with the arrangement made with France in 1839."

After that time, till 1870, the Canadian Government issued licenses to foreign fishermen. And when that system was discontinued (May 14, 1870), the minister of marine and fisheries gave orders to the commander of the government vessels engaged in protecting the fisheries, not to interfere "with any American fishermen, unless found within three miles of the shore, or *within three miles of a line drawn across the mouth of a bay or creek which is less than ten geographical miles in width*."

In the case of any other bay—as the bay of Chaleurs, for example—you will not admit any United States fishing-vessel or boat, or any American fishermen, inside of a line drawn across at that part of such bay *where its width does not exceed ten miles.* It is not apprehended that, for the purposes of the present Commission, there would be any appreciable practical difference between extending the headland doctrine to bays ten miles wide at the mouth, and limiting it to those which are only six miles wide.

But, as soon as these instructions were received in England, Her Majesty's Government made haste to telegraph to the Governor-General its hope "that the United States fishermen will not be for the present prevented from fishing, except within three miles of land, or in bays which are less than six miles broad at the mouth." Accordingly, Mr. Peter Mitchell, the minister of marine and fisheries, was compelled to withdraw his former instructions, and to give new ones, as follows, under the date of June 27, 1870 :

Until further instructed, therefore, you will not interfere with any American fishermen, unless found within three miles of the shore, or within three miles of a line drawn across the mouth of a bay or creek, *which, though in parts more than six miles wide, is less than six geographical miles in width at its mouth.* In the case of any other bay—as Bay des Chaleurs for example—you will not interfere with any United States fishing vessel or boat, or any fishermen, *unless they are found within three miles of the shore.*

In connection with and as a part of this case, the United States submit to the Commission a brief, exhibiting more fully the history of this controversy, and the authorities upon it, which conclusively show that the instructions just quoted correspond exactly with the well-established rules of international law. It is not doubted that the instructions given were carefully framed with a view to precise conformity with these rules, and in order that Great Britain might claim no more than it was prepared to concede to all foreign governments in dealing with a question of great practical importance.

The United States believe that Her Majesty's Government are now in full accord with their own on this subject, and that all more extensive claims formerly made are regarded by it, in the recent and forcible language of the Lord Chief Justice of England, "as vain and extravagant pretensions, which have long since given way to the influence of reason and common sense. * * * These assertions of sovereignty were manifestly based on the doctrine that the narrow seas are part of the realm of England. But that doctrine is now exploded. Who at this day would venture to affirm that the sovereignty thus asserted in those times now exists? What English lawyer is there who would not shrink from maintaining, what foreign jurist who would not deny, what foreign government which would not repel, such a pretension?"

II.

Having ascertained the extent and limits of the privileges accorded to the United States by Article XVIII, it is next necessary to state what are the privileges accorded to Her Majesty's subjects by Articles XIX and XXI of the Treaty of Washington. For Article XXII, which defines the powers and duties of this Commission, and constitutes its sole authority to act, expressly directs it to have "regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI."

By Article XIX, British subjects acquire, for the same term of years, identically the same privileges, and upon the same restrictions of land-

ing to cure fish and dry nets, and of fishing on the eastern coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the adjacent islands, and in the bays, harbors, and creeks of said sea coasts and shores, without being restricted to any distance from the shore, as by Article XVIII had been accorded to United States fishermen in regard to the territorial waters of the Atlantic coast of British North America. *Mutatis mutandis*, the privileges conceded by each side to the other are of the same character, and expressed in precisely the same language.

Article XXII is as follows :

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

The right to admit fish and fish-oil, free of duty, from the United States into Canada and Prince Edward's Island is regarded in the treaty as of such insignificant and inappreciable importance that no account is to be taken of it in the estimate and adjustment of equivalents which the Commissioners are directed to make. But the right granted to four millions of people, a large portion of whom find their chief industrial interest and source of wealth in the fisheries, to import fish and fish-oil for twelve years, duty free, into the markets of a nation of forty millions of inhabitants, the Commissioners are directed to weigh and appreciate. The magnitude and value of this privilege will be considered hereafter.

In regard to Newfoundland, no special remarks seem to be required at this point, except that by Article XXXII the provisions and stipulations of Articles XVIII to XXV inclusive are extended to that island, so far as they are applicable. But there is no previous mention of Newfoundland in the treaty ; and it seems a strained and unnatural construction of Article XXXII to hold that, by this general language, it was intended to make the provisions as to this Commission applicable thereto. The United States assert that the jurisdiction of the Commissioners does not extend to inquiring whether compensation should be made for the inshore fisheries of that island, both because the language of the treaty does not authorize them to do so, and because the extensive rights to the inshore fisheries of that island, and to dry and cure fish upon its shores, already possessed by the United States under the Convention of 1818, render it extremely improbable that any idea of possible compensation to that island could have been entertained by either of the high contracting powers when the treaty was framed.

III.

It is proposed next to consider the value of the advantages which the United States derive from the provisions of Article XVII. This will be done in the light of the principles already laid down, which, it is trusted, have been established to the satisfaction of the Commissioners.

The only material concession is that of fishing within British territorial waters over which jurisdiction exists to such an extent as to authorize the exclusion of the rest of mankind. Such jurisdiction only exists within three miles from low-water mark, both on the shores of the sea and within bays less than six miles wide between their headlands, for all bays and gulfs of larger size are parts of the open ocean, and whatever lies beyond is the gift of God to all, incapable of being monopolized by any kingdom, or state, or people.

The necessity of reiterating and emphasizing these positions arises from the surprising circumstance that the Case of Her Majesty's Government throughout completely and studiously ignores any such distinction. "From the Bay of Fundy to the Gulf of Saint Lawrence inclusive," over "an area of many thousands of square miles," it claims the whole as British property (p. 18). This is not done, indeed, in formal and explicit terms; if it had been, the pretension would have been more easily refuted, or rather its extravagance would have refuted itself. But all the assertions as to value, and all the statistics of the case, though vague and indefinite, nevertheless are based constantly upon this untenable and long since exploded theory. The affirmative lies upon Her Majesty's Government to show the value to American fishermen of the inshore fisheries as separated and distinguished from those of the deep sea; but this distinction the British Case nowhere attempts to draw. The United States insist that the true issue cannot be evaded thus; and that the party claiming compensation is bound, by every principle of law, equity, and justice, to show, with some decree of definiteness and precision, wherein consist the privileges which are made the foundation of an enormous pecuniary demand.

(1) The fisheries pursued by the United States fishermen in the waters adjacent to the British provinces on the Atlantic coast are the halibut and cod fishery, and the mackerel and herring fishery. The halibut and cod fisheries include hake, haddock, cusk, and pollack. These fish are caught exclusively on the banks, far beyond the jurisdiction of any nation. *The cod-fishery, therefore, is solely a deep-sea fishery, and not a subject within the cognizance of this Commission.* This appears even by the inspection of the maps attached to the British Case, highly colored and partial as those are believed to be, they having been drawn and marked without any discrimination between territorial waters and the open sea. Moreover, it will appear in evidence, conclusively, that there is substantially no inshore cod-fishing done by the Americans.

Nor do they land on the shores to dry their nets or cure their fish. These customs belonged to the primitive mode of catching codfish practiced by former generations of fishermen, and have been disused for many years past. Codfish are now salted for temporary preservation on shipboard, but are cured in large establishments at home by fish packers and curers, who make this a separate business, and to whom the fish are sold from the vessels in a green state.

(2) Nor do the American cod fishermen fish for bait to any considerable extent in the territorial waters of the British dominions. Their vessels are so large, and their outfit is so expensive, that they find it more economical when the first supply of bait, which is always brought from home, is exhausted, to purchase fresh bait of the Canadians, who fish for it in open boats or small craft near their own homes, to which they return every night. The best bait for cod and other similar fish is the frozen herring, large quantities of which, of a quality too poor for any other use, are taken in seines by the Canadians and sold to the United States fishermen. The importance of this and other kinds of traffic to the poor inhabitants of the Canadian fishing villages, and the destitution to which they were reduced, when, from motives of policy, and to affect the negotiations between the two governments, it was broken up by the Canadian authorities, will appear from their own testimony and from official documents. This subject will receive attention hereafter. *Suffice it now to observe that the claim of Great Britain to be compensated for allowing United States fishermen to buy bait and other supplies of British subjects finds no semblance of foundation in the treaty, by which no right*

traffic is conceded. The United States are not aware that the former hospitable statutes have ever been repealed. Their enforcement may be renewed at any moment; and the only security against such a course is the fact that such uncivilized legislation is far more inconvenient and burdensome to the Canadians than it can possibly be to American fishermen. It will appear in the sequel that, in the unanimous opinion of that portion of the Canadians who reside on the seacoast, the benefits of such commercial intercourse are at least as great to themselves as to foreign fishermen.

3) It is further important to bear in mind that the fisheries claimed by the Treaty of Washington have already been in formal operation during seven years, one-third of the whole period of their continuance; while practically both fishing and commercial intercourse have been carried on in conformity with the treaty ever since it was signed, May 8, 1871. After that date, the provincial authorities desisted from the system of seizures and other molestations by which foreign fishermen had been previously annoyed. And what has been the result, to each party, of this liberal policy inaugurated by the treaty? Under its benign influence, as the British case declares, "the produce of the fisheries caught by British subjects has greatly increased during seven years past;" while the result to them has been one of "steady development and increasing wealth," the United States cod fishery, even, has declined in amount and value, not, to be sure, to such an extent as the mackerel fishery, but sufficiently to demonstrate that the American fisheries for haddock, cod, haddock, pollack, and hake, have not been benefited by the privileges conceded to the United States under the Treaty of Washington; and that, in respect to these fisheries, no just claim for compensation can be maintained before this Commission.

4) Almost the only fish ever taken by Americans within the three-mile limit off the coast of the British provinces are the mackerel; and the entire catch of this fish, only a very small fractional part is taken. They abound along the Atlantic coast from Cape May northward; great quantities of them are found in the deep sea; and the chief use made of the inshore fisheries on the Canadian coast by American fishermen is to follow, occasionally, a school of fish which, in its progress, chances to set in towards the shore.

The method of taking them formerly was by hand lines with the jig and hook; and this method is still the one principally practiced off the British coast. Within the past few years, the use of purse-seines has become the method most approved and most generally adopted by United States fishermen. By means of them the schools of fish can be controlled and caught, whether they are inclined to take bait or not. This new mode of taking fish has revolutionized the business, since American fishermen now require no bait, and are enabled to take an abundant supply of mackerel in American waters throughout the whole fishing season.

The migration of mackerel in the spring begins on the Atlantic coast from a point as far south as Cape Hatteras. The first-comers reach Provincetown, Mass., about May 10. Here they begin to scatter, and they are found during the entire season along the New England coast.

Whatever may be the theory of others on the subject [says Professor Baird], the American mackerel fisher knows perfectly well that in spring, about May, he will find the schools of mackerel off Cape Hatteras, and that he can follow them northward, day by day, as they are in countless myriads on to the coast of Maine, of Nova Scotia, and into the Gulf of St. Lawrence. They may be occasionally lost sight of by their sinking below the surface; but they are sure to present themselves shortly after to those who look for them to the north and east.

Leaving it to naturalists to account for the reasons, the fact is universally acknowledged that, for a number of years past, the value of the mackerel fisheries in British waters has diminished, while, during the same period, the quantity and quality of these fish taken off the coast of New England has greatly improved.

As early as 1868, the following statement appears in the annual report of marine and fisheries :

Owing to some unknown cause, the net as well as the bait mackerel fishery has nearly failed on our coasts. As already stated, the spring fishing at Magdalen Islands had yielded almost nothing to the inhabitants, and the foreign schooners which resorted there to pursue the same fishing had barely covered the cost of outfit. According to general opinion, mackerel appeared but in very small numbers in Pleasant Bay. However bad this fishery had been, hopes were entertained of the results of the summer fishery. There was, however, to be further disappointment in this instance. Mackerel, it is true, was seen on the shores of Magdalen Islands, Gaspé, and Bay Des Chaleurs, but in such limited numbers that, with the exception of a few caught for bait, a very limited quantity was taken at the islands and at Gaspé Bay and Basin. The mackerel would not take bait at the surface of the water; and, after trying every means for several weeks to induce the fish to come to the surface by means of bait, the American schooners left the islands and shores of Gaspé with only a few barrels taken. I have since ascertained that, at the end of August or beginning of September, mackerel had been abundant on the shores of Prince Edward's Island, and that the schooners which had resorted there had done well. It is to be hoped that this report was true, as otherwise the loss incurred by our own and foreign schooners must have been very large, if this fishing had been a failure everywhere. The cost of outfit is heavy, and to compensate for expenses necessarily incurred by most of the vessels it was necessary that there should be at least a middling success. The scarcity of mackerel was, therefore, the reason why I met so very few American schooners near our shores. In June, July, September, and October, however, when the results of this fishing were still uncertain, several schooners were seen in Bay Des Chaleurs, Paspébiac, Port Daniel, and Perce. From what I could ascertain, about one-third had licenses, but the rest, dreading a bad season, preferred fishing only on the Banks, at Magdalen Islands, or outside the limits, rather than to pay for a license. Moreover, from information obtained, I have reason to believe that few were seen fishing inside of the three-mile limits; and even those may have been provided with licenses. During the whole of my cruise in August, I saw none of them acting in contravention of the law; and the owners of schooners whom I met without a license had left without infringing the act, after being notified. The fact of the matter is, that, having fine and costly vessels, of which they are for the most part owners, they can ill afford the risk of losing them, especially this year, by fishing within the three-mile limits. (Report of Theophile Tetu, esq., on the Fisheries of the Gulf of Saint Lawrence; Annual Report of the Canadian Department of Marine and Fisheries, 1868, p. 54.)

The same deterioration of inshore mackerel fishing has steadily continued down to the present time :

Is it not an extraordinary thing [says the report of the same department for 1876], that halibut and mackerel, which have only a comparatively inferior value in our markets, are always quoted at a high price with our neighbors? They are difficult fish to cure, and this may explain the difference in price between both markets; and, as this fishery is very uncertain, our people dare not enter in it, on account of the possibility of heavy losses in time and money. With the exception of the inhabitants of Magdalen Islands and some three or four fishermen from Gaspé, nobody in the whole division placed under my charge, takes any interest in either of these fisheries. The importance of this fishery, even as carried on by strangers, has greatly diminished. *Out of five or six hundred schooners which formerly frequented Bay des Chaleurs, Magdalen Islands, &c., in search of mackerel, hardly one hundred are now counted.* One schooner only, the W. Merchant, of Gloucester, was this year engaged in halibut fishing; and, when I visited her at Esquimaux Point, she had caught nothing, not even one barrel of herring. The restrictions to which foreigners fishing in our waters were subjected during past years, and the seizures of vessels which were the consequence of violations of Canadian fishery laws, must undoubtedly have contributed a great deal to deter Americans from the waters of the Gulf, and compelled them to take another direction, where they very likely find more remunerative results. In the course of a conversation with the United States consul at Gaspé, he handed me a newspaper from Gloucester, Mass., which explains in a few words this decrease of American schooners in our waters. "Our large firms," said that paper, "far from curtailing their fishing outfits, have increased them. Most of them have added another vessel to the number already possessed. The attention of outfitters seems now to be solely bent upon cod-fishing. In former times their whole reliance was placed upon mackerel fishing, which was practiced on shore on George's Bank, or in the Gulf of Saint Lawrence; but very little notice is taken of it now."

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so that the total catch of mackerel by our vessels is now reduced to one-tenth of what used to be. Several causes have been adduced to explain this change; but the undoubtedly the use of seines. It is almost an impossible thing now to catch mackerel formerly, with hook and line, and seining is so uncertain that most of the masters are compelled to abandon this fishery. Mackerel fishing in the Gulf of Saint Lawrence constituted the occupation of the whole Gloucester fleet during the fall season: 'hardly fifty or sixty schooners are met within its waters.' The above statement accords perfectly with the observations I have made during the past season. A few years more than half a dozen Gloucester schooners were engaged cod-fishing on the coast; now there are two hundred. No attention whatever was then given to cod-fishing. It has attracted the notice of the trade of Gloucester. Halibut fishing is another which is daily growing more and more important for Gloucester fishermen; but they appear to have abandoned the Gulf, or rather the grounds which these fish frequented. Several of the finest and swiftest sailers of that fleet were employed the whole year, and fitted so as to be able to carry these fish, fresh or salted. They will explain the cause of the disappearance of American schooners from our waters.

It also to be observed that the American mackerel uniformly commands a higher price than the colonial catch, the difference varying from one to six dollars per barrel. The average excess in price in favor of the American catch off the coasts of the United States is at least five dollars per barrel.

The evidence to be laid before the Commission will fully establish the facts taken by the American Commissioners who framed the Treaty of Washington, that the value of the inshore fisheries has been greatly depreciated, and that the United States have desired to secure the right of using them, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation.

The simple truth is, that all American fishermen would, at the date of the Treaty, and ever since, have gladly abandoned all fishing in the territorial waters of Canada, rather than have been subjected to competition on equal terms with the Canadian fishermen.

As for the herring fishery by Americans in British waters, it amounts to nothing. Hardly any trace of its existence can be found. Herring are purchased but not fished for by United States fishermen in British territorial waters.

The United States call upon the British Agent to produce, and upon the Commissioners to require at his hands, tangible evidence of the practical value of the privilege of fishing by Americans in British territorial waters as it has existed under the treaty for four years. It exists to-day, and as, judging of the future by the past, it reasonably be expected to continue during the ensuing eight years provided in the treaty. It is insisted that the Commissioners have no right to proceed upon vague and general claims and assertions as uncertain as the fog-banks along the coast, and therefore as difficult to dissipate as it would be to dissipate a fog. Especially are they bound not to suffer themselves to be misled by the untenable and exploded notion that the portion of the high seas which is adjacent to the British provinces constitutes a part of their dominions.

IV.

The next proposed to consider the advantages derived by British fishermen from the provisions of the Treaty of Washington.

In the first place, the admission of American fishermen into British waters is no detriment, but a positive advantage, to colonial fishermen; they catch more fish, make more money, and are improved in all their social and commercial circumstances, by the presence of foreign fishermen. The quantities of the best bait thrown over from American vessels

attract myriads of fish, so that Canadians prefer to fish side by side with them; and, when doing so, make a larger catch than they otherwise could. The returns of the product of the British fisheries conclusively show that the presence of foreign fishermen cannot possibly have done them any injury.

Secondly. The incidental benefits arising from traffic with American fishermen are of vital importance to the inhabitants of the British maritime provinces. When, after the abrogation of the Reciprocity Treaty, the Canadian authorities saw fit to prohibit such commercial intercourse, the disastrous consequences which ensued are thus depicted by the Hon. Stewart Campbell, M. P., in his letter to the department of marine and fisheries, in 1869:

The principal source of inconvenience and grievance on the part of the British traders and subjects, generally, in the maritime provinces, who are connected with the fisheries, is to be found in the great change of circumstances brought about by the abrogation of the Reciprocity Treaty. During the existence of that treaty, the entire freedom with which that branch of industry represented by the fisheries was pursued, on the part of the subjects of the United States of America, on the coasts of the British provinces, naturally brought these foreigners into most intimate business relations with merchants, traders, and others, in many localities of the maritime portion of the Dominion, and especially at and in the vicinity of the Straits of Canso. The great body of the large fleet of American fishermen, numbering several hundred vessels, which annually passed through that strait to the Gulf of Saint Lawrence, in the prosecution of the fisheries, and especially the mackerel fishery, was invariably in the habit of procuring much of the requisite supplies for the voyage at the several ports in that strait. The business thus created largely benefited not only those directly engaged in commercial pursuits, but was also of immense advantage to other classes of the inhabitants of several of the adjacent counties of Nova Scotia. The constant demand for, and ready disposal at remunerative prices to the American fishing vessels of, a large quantity of farm produce, and other products of industry in the shape of barrels, hoops, lumber, wood, &c., was at once the character and result of the intercourse which subsisted during the existence of the Reciprocity Treaty.

And here I may offer some observations as to what, in my judgment, would be the probable effects of dealing with the American fishermen in the more liberal spirit of cheap licenses. In a former part of this communication, I have referred to the active and advantageous business relations subsisting between them and the merchants, traders, and others, in the eastern counties of Nova Scotia, and particularly at the Strait of Canso, during the existence of the Reciprocity Treaty, and pointed out the very prosperous condition of our own people during that period. Much depression has prevailed since its abrogation, caused principally by the exaction of a high rate of tonnage dues, which has induced the Americans to transfer their former business relations to Prince Edward Island, where the terms of the Convention of 1818 are practically permitted to be unrecognized.

The value of this trade during the period of that treaty is thus stated by Sir John A. Macdonald in the debate in the Dominion Parliament, May 3, 1872:

The people of Nova Scotia and the other provinces found that the treaty, while it yielded a nominal right, conferred many and solid advantages. A great trade, which they had never anticipated, sprung up in consequence of the admission of American fishermen; and, instead of the ruin they feared, they gained so much in every respect that they desired a continuance of the treaty, and lamented its repeal. It was found, too, that the people of Prince Edward Island also experienced a great advantage from the treaty, in respect to trade in coarse grains with the United States, which was largely increased by the permission granted to Americans to frequent their coasts for fishing purposes. In that colony, too, there had been apprehensions—and he doubted not they were sincere—that the treaty would not be really beneficial to the people; but when the privileges given to citizens of the United States were freely enjoyed by them, they in return, brought so many benefits that we heard no complaints from the colony. No injury was done to the fishermen of the island; on the contrary, the trade which grew up was found to be profitable in many different ways. More goods were imported than ever before; commerce was brisk; stores were opened, and profits made which never would have been realized but for the existence of the treaty.

In the same debate, Mr. Power, of Halifax, who was described by another speaker as “a man who had devoted his whole life to enterprises connected with the fisheries of the maritime provinces, who had given

them the most careful study and attention, and had become possessed of every information concerning them," declared that—

The harbors on the entire line of coast were visited by United States vessels, for the purpose of obtaining supplies of bait, ice, &c., for the deep-sea and other fisheries; and, if we wished to have the protection effectual, we would prevent this. *He might, however, say that he had always been opposed to United States vessels being prevented from obtaining these supplies from our people. It looked too much like the cutting off the nose to be revenged on the face. The value of articles supplied in this way was very large, and the revenue, as well as the inhabitants, was benefited by it; while the only injury that would be done to the Americans by prohibiting the trade was to oblige them to bring the supplies with them from home, or drive them to Prince Edward's Island, where every facility was readily given them. He had understood that, until the treaty was finally ratified, it was the intention of the government to prevent American vessels from landing their catch in ports of the Dominion. He much doubted the wisdom of this restriction. It might be all well enough if they were not permitted to do so in Prince Edward's Island. That island lay almost in the center of the fishing-grounds; and there they were allowed to take all supplies they might require, and land their fish, which was reshipped in American steamers that plied weekly between Charlottetown and Boston. Such action on the part of the government would hardly form any restriction to the Americans while they had Prince Edward's Island open to them, and would only deprive our people of the Strait of Canso of the advantage of storage and harbor attendant on the landing of cargoes, and our vessels of the benefit of the freighting of them to the United States.*

The condition of things in 1870 appears from the reports of Vice-Admiral Fanshawe, and the other officers in command of the war vessels cruising off the Canadian coast, for the protection of the fisheries. (Canadian Report of the Department of Marine and Fisheries, 1870, pp. 324, 338, 339, 341, and 349.) Admiral Fanshawe says:

The strong interest that both the resident British traders and the United States fishermen have in maintaining the trade, would, in my opinion, render its suppression extremely difficult, even were it thought judicious to continue the attempt; while the combination between these two bodies to evade British law, and the sympathies arising therefrom, must be very undesirable.

The commander of Her Majesty's gunboat Britomart, in his report on the fisheries of the Bay of Fundy, says:

The inhabitants on the Nova Scotia coast, from St. Mary's Bay to Cape Sable, I believe, prefer the Americans coming in; as they are in the habit of selling them stores, bait, and ice, and give them every information as to my movements.

Wherever I went, I found the people most anxious whether the Americans were still going to be allowed to come and purchase the frozen herrings; if they were not, they had no other market for them, and the duty was so heavy they could not afford to take them into American ports themselves. At the same time, they wished to have the Americans prevented from fishing on their coasts.

The commander of Her Majesty's ship Plover, in his report from Prince Edward's Island, in the same year, says:

Every facility is given in the ports of this island to foreigners for obtaining and replenishing their stock of stores and necessities for fishing. This, if the treaty is intended to be strictly enforced, should not be allowed; as, if it is wished to drive the United States fishermen from these waters, they will then be obliged to return home for supplies.

H. E. Betts, commander government schooner Ella G. McLean, says:

I anchored off port Mulgrave and procured wood and water. Here the feeling is very much against the law that prevents the American fishermen procuring supplies, such as bait, barrels, provisions, &c. One house, whose receipts in 1864 and 1865 were about \$80,000 each year, this year was reduced to \$10,000, the principal part of which was "stolen." They advocate the return to the license system, doing away with the twenty-four hours' notice there used to be, and having these schooners to rigidly enforce the law, and to instantly seize any vessel fishing inside the limits without a license. They suggest that the proceeds of the licenses might be used as a set-off against the American duty of \$2 a barrel, by dividing it at so much per barrel amongst our fishermen, as a bounty; thus putting our fishermen on nearly equal terms with the Americans as regards a market for their fish.

The anticipations that the Treaty of Washington would so operate as to remove the distress existing in the maritime provinces at the

date of its negotiation have been fully realized, as will appear by the testimony to be laid before the Commission. It also appears that several thousands of British fishermen find lucrative employment on board American fishing-vessels.

The benefits thus far alluded to are only indirectly and remotely within the scope and cognizance of this Commission. They are brought to its attention chiefly to refute the claim, that it is an advantage to the United States to be able to enter the harbors of the provinces and traffic with the inhabitants. No doubt all such advantages are mutual and reciprocal. They only show that, in this instance as in so many others, a system of freedom, rather than one of repression, proves the best for all mankind.

V.

It is necessary now to consider the specific benefits which the treaty directs the Commission to regard in its comparison and adjustment of equivalents.

First. What do British subjects gain by admission to the fishing-grounds of the United States down to the thirty-ninth parallel of north latitude ?

All descriptions of fish found in British waters also abound along this portion of the coast of the United States. They are nearly as extensive territorially and equally valuable. If the provincial fishermen invested the same amount of capital in the business, and exerted equal enterprise, industry, and skill, they would find the American waters fully as valuable to them as theirs now are to the fishermen of the United States.

Off the American coast is found exclusively the menhaden or porgies, by far the best bait for mackerel. This is well stated by Sir John Macdonald, who says :

It is also true that in American waters the favorite bait to catch the mackerel is found, and it is so much the favorite bait that one fishing-vessel having this bait on board would draw a whole school of mackerel in the very face of vessels having an inferior bait. Now, the value of the privilege of entering American waters for catching that bait is very great. If Canadian fishermen were excluded from American waters by any combination among American fishermen, or by any act of Congress, they would be deprived of getting a single ounce of the bait. American fishermen might combine for that object, or a law might be passed by Congress forbidding the exportation of menhaden ; but by the provision made in the treaty Canadian fishermen are allowed to enter into American waters to procure the bait, and the consequence of that is that no such combination can exist, and Canadians can purchase the bait and be able to fish on equal terms with the Americans. (Speech of Sir John A. Macdonald, May 3, 1872.)

These statements were based upon the Canadian official reports previously published, which say :

For mackerel fishing, the Americans use "porgies" and clams, chopped fine, as bait. The "porgies" are found only on the coast of the United States, and, when imported into the Dominion, cost about six dollars per barrel.

The bait with which the Americans are supplied is far superior to any which can be procured in this country, to which may be attributed in a great measure the success of the Americans previously to the recent restrictions, although even now the local fishermen complain that they have no chance while an American schooner is fishing near them. (Annual Report of the Department of Marine and Fisheries for the year ending June, 1870, pp. 312, 342.)

The menhaden fishery has within ten years grown into an immense business. Formerly, they were taken only for bait, and were either ground in hand-mills for mackerel, or used in what is called "slivers" for codfish bait. There is now a large fleet of steamers and sailing-vessels engaged in this fishery. Large factories have been erected on shore

for extracting the oil. As these fish are not valuable until they are fat, which is in August and September, they are not much taken in their spawning time; and they will not therefore be exterminated. They are caught solely with seines, near the shore, their food being a kind of marine seed which floats upon the waters; consequently, they will not take the hook. This fishery is one of the most profitable of all the fisheries, the oil being used for tanning and currying extensively at home and being exported in large quantities. The refuse of the fish, after being pressed, is used for manufacturing guano or fish phosphate, and is very valuable as a fertilizer. This fishery is purely an American fishery, no menhaden ever being found north of the coast of Maine. It is entirely an inshore fishery, the fish being taken within two miles from the shore.

The United States inshore fisheries for mackerel, in quality, quantity, and value, are unsurpassed by any in the world. They are within four hours' sail of the American market, and many of the mackerel are sold fresh at a larger price than when salted and packed. The vessels fitted with mackerel seines can use the same means and facilities for taking menhaden, so that both fisheries can be pursued together. And they combine advantages, compared with which the Dominion fisheries are uncertain, poor in quality, and vastly less in quantity. The Canadian fisheries are a long voyage from any market whatever, and involve far more exposure to loss of vessels and life. These fisheries along the shores of the United States are now open to the competition of the cheap-built vessels, cheap-fed crew, and poorly paid labor of the Dominion fishermen, who pay trifling taxes, and live, both on board their vessels and at home, at less than half the expense of American fishermen. It is only from lack of enterprise, capital, and ability, that the Dominion fishermen have failed to use them. But recently hundreds of Dominion fishermen have learned their business at Gloucester and other American fishing towns, and by shipping in American vessels. They have in United States waters to-day over thirty vessels, equipped for seining, which, in company with the American fleet, are sweeping the shores of New England.

Second. The enormous pecuniary value of the right to import fish and fish-oil, free of duty, into the markets of the United States, must be admitted by every candid mind. Testimony from all quarters can be adduced, of the most convincing character, on this subject.

In June 24, 1851, long before the adoption of the Reciprocity Treaty, the British minister at Washington, Lord Elgin, wrote to Mr. Webster, that if the United States would admit "all fish, either cured or fresh, imported from the British North American possessions, in vessels of any nation or description, free of duty, and upon terms in all respects of equality with fish imported by citizens of the United States," Her Majesty's Government were prepared "to throw open to the fishermen of the United States the fisheries in the waters of the British North American colonies, with permission to those fishermen to land on the coasts of those colonies for the purpose of drying their nets and curing fish; provided that, in so doing, they do not interfere with the owners of private property, or with the operations of British fishermen."—Documents accompanying President's Message, December, 1851, part 1, pp. 89, 90.

And after the abrogation of the Reciprocity Treaty, in 1867, a committee of the Nova Scotia legislature earnestly recommended "that, instead of levying a pecuniary license fee, steps be taken to arrange, if practicable, with the American Government, for the admission of the

products of colonial fishermen into the American market free, or under a more reduced tariff than that now imposed."—Report of Committee of Legislature of Nova Scotia, 1867, quoted in Knight's Report on the Fisheries of Nova Scotia, p. 14.

"Under the Reciprocity Treaty," said Mr. Stewart Campbell, in the memorandum already quoted from, "*the total exemption from duty of all fish exported from the maritime provinces to the markets of the United States, was also a boon of inestimable value to the very large class of British subjects directly and indirectly connected with our fisheries and its resulting trade.* This state of things, which was beneficial also in no small degree to the subjects of the United States, undoubtedly created a condition of general prosperity and contentment among the classes of British subjects referred to, such as had never previously existed."

On this subject Sir John A. Macdonald, in the Parliament of the Dominion, thus expressed himself:

I may be liable to the charge of injuring our own case in discussing the advantages of the arrangements, because every word used by me may be quoted and used as evidence against us hereafter. The statement has been so thrown broadcast that the arrangement is a bad one for Canada, that, in order to show to this House and the country that it is one that can be accepted, one is obliged to run the risk of his language being used before the Commissioners to settle the amount of compensation, as an evidence of the value of the treaty to us. It seems to me that, in looking at the treaty in a commercial point of view, and looking at the question whether it is right to accept the articles, we have to consider mainly that interest which is most peculiarly affected. Now, unless I am greatly misinformed, the fishing interests in Nova Scotia, with one or two exceptions for local reasons, are altogether in favor of the treaty. They are so anxious to get free admission for their fish into the American market, that they would view with great sorrow any action of this House which would exclude them from that market: that they look forward with increasing confidence to a large development of their trade, and of that great industry; and I say, that that being the case, if it be to the interest of the fishermen, and for the advantage of that branch of national industry, setting aside all other considerations, we ought not wilfully to injure that interest. Why, sir, what is the fact of the case as it stands? *The only market for the Canadian No. 1 mackerel in the world is the United States. That is our only market, and we are practically excluded from it by the present duty. The consequence of that duty is that our fishermen are at the mercy of the American fishermen. They are made the hewers of wood and the drawers of water for the Americans. They are obliged to sell their fish at the Americans' own price. The American fishermen purchase their fish at a nominal value, and control the American market. The great profits of the trade are handed over to the American fishermen, or the American merchants engaged in the trade, and they profit to the loss of our own industry and our own people. Let any one go down the St. Lawrence on a summer trip, as many of us do, and call from the deck of the steamer to a fisherman in his boat, and see for what a nominal price you can secure the whole of his catch; and that is from the absence of a market, and from the fact of the Canadian fisherman being completely under the control of the foreigner. With the duty off Canadian fish, the Canadian fisherman may send his fish at the right time, when he can obtain the best price, to the American market, and thus be the means of opening a profitable trade with the United States in exchange. If, therefore, it is for the advantage of the maritime provinces, including that portion of Quebec which is also largely interested in the fisheries, that this treaty should be ratified, and that this great market should be opened to them, on what ground should we deprive them of this right? Is it not a selfish argument that the fisheries can be used as a lever in order to gain reciprocity in flour, wheat, and other cereals? Are you to shut our fishermen out of this great market in order that you may coerce the United States into giving you an extension of the reciprocal principle?*

I have heard the fear expressed that, with this treaty, the Americans would come down into our waters and take the fish away from our people. This was a groundless fear. Why had not this occurred under the Reciprocity Treaty, under which the Americans enjoyed fully equal privileges to those they would have under the Treaty of Washington? Did we find them interfering with our fishermen? We did not; and with the United States markets open to us on the same terms as to its own fishermen, could any intelligent man suppose that they could come down four or five hundred miles in vessels costing more to build, equip, and sail than our vessels, and compete with our people, who took the fish almost at their own doors? In Mr. Knight's report on the working of the Reciprocity Treaty, drawn up in the year 1867, was found the following extract of a letter from a gentleman in Guysborough: "The fishermen in this locality have, since the commencement of the Reciprocity Treaty, say for the past ten years, made more money than during any ten years previous, from the fact that they had a free market in the United States, *which is the only market where a large proportion of our fish will sell to advantage*; and, although fish have

not been so abundant, the extra price has more than compensated for the deficiency in the catch. If a heavy duty were put upon our mackerel and herrings in the United States, the fishery would not be remunerative; and," he added, "the American cod and mackerel fishermen have not interfered with us nor injured our fisheries during the past ten years, and our fishermen caught more mackerel in 1864 than in any previous year." It would be seen that we need have no fears that the Americans would do us any greater injury under this treaty. He also found in Mr. Knight's report that the value of fish exported from the Province of Nova Scotia from 1855 to 1865, during the existence of the Reciprocity Treaty, had increased from \$1,940,127 to \$3,476,461, and was it not fair to assume that a proportionate increase would take place under the Washington Treaty?

Those opposed to the treaty seemed to set great value upon what we were asked by it to surrender. "O," said they, "why should we give up our valuable fisheries, such important privileges, and for so small a consideration?" Had those who talked in this way studied the case? I believe they had not, else they would form a different opinion. That our fisheries were valuable, I am well aware. Their value under favorable conditions could not be overestimated; but that value would be great or small just in proportion to the markets we possessed. By this treaty we surrendered very little, and gained in many ways; for, in addition to our own fishing grounds, which we still retained, we had the privilege, if we chose to avail ourselves of it, of going into United States waters to fish, and would gain a free market, which would have the effect of increasing the value of our own fisheries to a most important extent. Newfoundland and Prince Edward's Island had given strong indications that they would ratify this treaty; and Americans having free access to the fishing-grounds of the former, they would be quite independent of us in the herring and cod fisheries. Prince Edward's Island's ratifying it would give them access to the mackerel fishery of that island; and, with the right which they now possessed, under the treaty of 1818, to take all kinds of fish when and where they pleased at the Magdalen Islands—and the islands comprise, both for herring and mackerel, about the best fishing-ground of the Dominion—the Americans need care very little for any privileges that we might have the power to withhold from them, which would amount to but a few miles of an inshore mackerel fishery; in return for which the markets of the entire United States were thrown open to us free for all the fish and products of the fisheries of the whole Dominion.

In the same debate of May 13, 1872, Mr. Power, of Halifax, said:

He was in favor of accepting the treaty even as it was, and the following were some of his reasons; they were not merely theoretical, but the result of years of practical experience and careful observation. In the spring of each year, some forty or fifty vessels resorted to the Magdalen Islands for herring, and he had known the number to be greater. These vessels carried an average of 900 barrels each. So that the quantity taken was generally in the neighborhood of 50,000 barrels. During the existence of the Reciprocity Treaty, no United States vessels went after these fish. All the vessels engaged in that fishery belonged to some one of the provinces now forming this Dominion. Since the abrogation of the treaty and the imposition of the duty of a dollar per barrel by the United States, the case had become entirely changed. Vessels still went there; but they were nearly all American. Now, under this treaty we would get that important branch of trade back again. The lower provinces, Nova Scotia in particular, had a large herring trade with Newfoundland. Vessels went there with salt and other supplies, and brought back cargoes of herring in bulk. Employment was thus given to the cooper and laborer in preparing these fish for export; and, as the business was prosecuted mostly in the winter months, when other employment was difficult to obtain, it always proved a great boon to the industrious. We lost this trade also when we lost the Reciprocity Treaty; but it would return to us under the treaty now offered for our acceptance. A little more than two years ago, two vessels belonging to the Province of Quebec arrived in Halifax, from Labrador. They had between them 3,400 barrels of herring. Not finding sale for them in Halifax, they proceeded to New York, where they sold. The duty on these two cargoes amounted to \$3,400 in gold. Under a treaty of this kind, this \$3,400 would go into the pockets of the owners and crews of the vessels, instead of into the United States Treasury; and cases of this kind occurred almost every day. The same reason applied to the mackerel fishery; but with still greater force, the duty being two dollars per barrel. There was another feature connected with this fishery, which ought to have a good deal of weight with this House, in favor of the treaty. American vessels following the cod and mackerel fisheries were manned in great part by natives of some part of this Dominion. The chief cause of this was, that, as the hands fished on shares, viz, one-half of what they caught, those employed on board of United States vessels got theirs in free of duty; while the men employed in the vessels of the Dominion had to pay the duty on theirs. A hand catching twenty-five barrels of mackerel to his share, on board of a United States vessel, would receive \$50 more than he would receive for the same quantity taken in one of our own vessels. A consequence of this was that the best men went on board the American vessels, and our vessels had to put up with the less capable. Indeed, should the present state of things continue much longer, our people would be compelled to give up the hook-and-line fishing altogether; for it was impossible that they could continue to compete against the duty and their other disadvantages. During the existence of the Reciprocity Treaty, the

number of vessels following the hook-and-line mackerel-fishery had increased to about sixty in the county of Lunenburg alone. Since the termination of the treaty, the number had been gradually falling off, until, during last session, no more than half a dozen vessels engaged in that business; and he believed that, should this treaty not be ratified, there would not be a single vessel fitted out in that county for the mackerel-fishery the approaching season. He had been assured by vessel-owners in Mavre au Bouche—an enterprising settlement at the eastern end of the county of Antigonish—and also by those on the western side of the Strait of Canso, in the county of Guysboro (from both of which places the mackerel and herring fisheries had been extensively prosecuted), that the business will not more than pay expenses; and that, unless something was done to relieve those fish from the present duty, they would be obliged to abandon the business altogether. This need create no surprise, when it is considered that, at the present value of mackerel and herrings, the duty is fully equal to fifty per cent. Owing to the advantages offered by the American vessels over our provincial vessels engaged in fishing, not only were our best men induced to give their skill to the Americans in fishing, but in many cases they remained away, and their industry was lost to the provinces. They went to the States in the vessel the last trip, in order to get settled up for the season's work, and generally remained there to man the fishing and other vessels of the Republic. Why, a very large proportion of the inhabitants of Gloucester and other fishing towns of Massachusetts and Maine were natives of some of the provinces of this Dominion. Now, with this treaty the inducements to give a preference to American vessels would be removed, and our own vessels would be able to select good hands, who would remain at home; the temptation to emigrate, as he had just explained, being removed. *He has heard it said that the consumer paid the duty. Now, whilst this might be the case with some articles, it was not so with the article of our fish. In our case in this business, our fishermen fished side by side with their American rivals, both carrying the proceeds of their catch to the same market, where our men had to contend against the free fish of the American fishermen. Let him illustrate this. An American and a provincial vessel took 500 barrels of mackerel each; both vessels were confined to the same market, where they sold at the same price. One had to pay a duty of \$1,000, while the other had not to do so. Who then paid the \$1,000? Most certainly not the purchaser or consumer, but the poor, hard-worked fisherman of this Dominion; for this \$1,000 was deducted from his account of sales. Those who contended that in this case the consumer paid the duty, ought to be able to show that, if the duty were taken off in the United States, the selling price there would be reduced by the amount of the duty. There was nothing in the nature or existing circumstances of the trade to cause any person who understands to believe that this would be the case; and therefore it would be seen that at present our fishermen labored under disadvantages, which made it almost impossible for them to compete with their rivals in the United States; and that the removal of the duty, as proposed by this treaty, would be a great boon, and enable them to do a good business where they now were but struggling, or doing a losing trade.*

In the same debate Dr. Tupper, of Halifax, said:

While in 1854 American fishermen were able to compete with Canadians, because they had no high taxes to pay, and the cost of outfit was much less than at present, the war and the burdens it had left behind had so changed their position in relation to this question, that every Canadian fisherman, who had the fish in the sea at his own door, with all the advantages of cheap vessels and cheap equipment, if he belonged (as no one doubted) to the same courageous and adventurous class as the Americans, would enter into the competition with an advantage of 40 or 50 per cent. in his favor. * * * Who would say that the Canadian fisherman was deserving of any consideration, if he was not able, with that premium in his favor, to meet the competition, not only of the United States, but of the world? Why, then, instead of the treaty surrendering our fishermen and fisheries to the destructive competition of the foreigner, the result would be—and mark his words, the facts would soon show it—that the American fishermen who employed their industry in the waters of Canada would become like the American lumbermen who engaged in that trade in the valley of the Ottawa; they would settle upon Canadian soil, bringing with them their character for enterprise and energy; and would become equally good subjects of Her Majesty, would give this country the benefit of their talents and their enterprise and their capital. *Was there anybody who could doubt as to the effect of removing the duty which was now levied of two dollars per barrel upon mackerel and one dollar upon herrings, of taking off this enormous bounty in favor of the American fishermen, and leaving our fishermen free and unrestricted access to the best market for them in the world?* Was there any one who could doubt that the practical result would be to leave the Canadians, in a very short time, almost without any competition at all? The opposition for a long time held out the idea that Parliament and the government must protect the poor struggling and industrious fishermen of Nova Scotia and the other provinces against the operation of this treaty, which, it was held, would be ruinous to them in every way. Gradually, however, light began to break in upon them, until at last they discovered this extraordinary fact, that while the clauses of this treaty which related to Canada were held by every intelligent fisherman to be a great boon, as something which would take the taxes off them, and relieve them from hundreds of thousands of dollars tribute that they

were now compelled to pay to a foreign nation, the fishermen of the United States were, on the other hand, just as much averse to the treaty as our own people were anxious that it should be carried into effect. How different would the future be under this treaty from what it would certainly be if the present state of affairs were to continue! What was the result now? Why, many of our fishermen were compelled to go to the United States, abandoning their homes in Canada, in order to place themselves upon an equal footing with the Americans. The member for West Durham stated that, if Canada had continued the policy of exclusion, the American fisheries would very soon have utterly failed, and they would have been at our mercy. This was a great mistake. Last summer he went down in a steamer from Dalhousie to Pictou, and fell in with a fleet of thirty American fishing-vessels, which had averaged three hundred barrels of mackerel in three weeks, and had never been within ten miles of the shore.

The Hon. S. Campbell, of Nova Scotia, said :

Under the operation of the system that had prevailed since the repeal of the treaty of 1854, the fishermen of Nova Scotia had, to a large extent, become the fishermen of the United States. They had been forced to abandon their vessels and homes in Nova Scotia, and ship to American ports, there to become engaged in aiding the commercial enterprises of that country. It was a melancholy feature to see thousands of young and hardy fishermen compelled to leave their native land to embark in the pursuits of a foreign country, and drain their own land of that aid and strength which their presence would have secured. There was another evil in connection with this matter, that not only were they forced to aid in promoting the welfare of another country, but they were, by being so, gradually alienated from the land of their birth, and led to make unfortunate contrasts and comparisons, to the detriment of the country to which they belonged; because, in the country to which they departed, they derived benefits that were unattainable in their own. Another evil of the present state of things was the impediment thrown in the way of ship-building by the depression caused in the business of the country. While Nova Scotia had mechanics who were able to build vessels that would compete in every important respect with those built by our American neighbors, the commercial impediments thrown in the way of Americans fishing in Canadian waters had an injurious effect upon the ship-building interest. It had been said that the concessions obtained by the Dominion were not equivalent to the concessions which were granted to the United States. Upon that point he regarded what had been said by the Minister of Justice about the privileges of Canadians resorting to American waters for the purpose of procuring bait as being of great importance. He believed that to be a very valuable and of important concession. He did not regard the American inshore fisheries as of such little value as had been represented, for he knew that frequently American fishermen left our coast and resorted to their own waters, where they received a valuable recompense for changing their venue and base of operations. By the treaty of 1818 American fishing-vessels were not permitted to enter our harbors, except for the purpose of obtaining wood, water, and shelter. This limitation had produced a great deal of dissatisfaction, and did injustice to our shore population. During the reciprocity, those vessels were constantly in our waters, engaged in a mutually advantageous business with the merchants who lived on shore. Both parties desired a renewal of that relation, which would decidedly be to the advantage of Nova Scotia. It was because he desired to restore to the people of Nova Scotia the advantages of that reciprocal trade that he was ardently anxious for the ratification of this treaty. To use a phrase that had been employed on both sides of the House, his constituents had "set their hearts upon it"; and, as far as his voice and vote went, they would surely have it.

Mr. Macdonald, of Nova Scotia, remarked :

The honorable member for Halifax, who addressed the House a few days ago (Mr. Power) has told what effect the high duty on mackerel in the States has had on this hook-and-line fishing. The number of vessels fitted out for it from Lunenburg County has decreased from sixty to seventy under the Reciprocity Treaty. Until last year, not more than half a dozen ventured to engage in it, finding the high duties made it unprofitable. Last year nearly all that fine fleet of vessels, after returning from Labrador, instead of going out again for mackerel, were compelled to lay for the remainder of the season idly swinging at their anchors, in the harbors and coves around the coast; while the young men who should have formed their fishing crews were either compelled to remain at home or seek other employment elsewhere; some of them, perhaps, on board American vessels, where the fish they caught were worth more than if taken on board their own vessels, because they would be free of duty under the American flag. It was thus of vital importance to the fishing people of that county that the fishery articles of the treaty should be ratified; because they believed, and he judged they rightly believed, they would then be placed on a much better footing than they occupied at the present time. Not only were his constituents deeply interested, but the whole people of Nova Scotia were immediately concerned. He read from statistics to show the magnitude and importance of the fishing interest, the number of men it employed, and the value of the products. In 1853, the year before the commencement of the Reciprocity Treaty, the total value of the products of the fisheries in Nova Scotia was

something less than two millions of dollars, of which only about 30 per cent., or less than \$582,038 worth, found a market in the United States. In 1865, the total yield of the fisheries had risen, with various fluctuations, to an aggregate of nearly three and a half millions; and it was found that the exports to the States had not only kept pace with that aggregate increase, but had largely exceeded it, the exports to the States in that year being about 43 per cent. of the aggregate catch, or near a million and a half of dollars. Thus it would be seen that, under the old Reciprocity Treaty, our fishermen lost nothing by allowing their American neighbors to fish in our waters. On the contrary, they had gained in every way. The influence of a free market had acted as a stimulant on their energies; so that, although their fishing-grounds were shared by American fishermen, their total catch had increased 50 per cent.; and so beneficial was that free market found to be, that the exports to the States had increased over 150 per cent. in the twelve years. Nothing could more clearly establish the two important facts, that our fishermen have nothing to fear from fair competition with American fishermen in our own waters, and that the free access to the markets of that country is of the greatest possible importance to us. A comparison of the last three years of the Reciprocity Treaty with three years since its abrogation, shows that the exports of fish to the States have fallen off 7 per cent. since the treaty was abrogated—another proof of the value of that treaty to our fishermen. Give us this treaty, and what happened before will happen again. Give us a free market in the States, and the energies of our fishermen will be stimulated anew into life and activity, and an increased aggregate yield, together with a largely increased export to the States, would show that our people were fully equal to competing on fair terms in our own waters with their American neighbors.

There was one important consideration, which had been overlooked in weighing the advantages and disadvantages of the treaty; and that was that the admission of British vessels to fish in American waters would enable Americans to purchase vessels in provincial ports, where the cost of construction was much less than in the United States. It was true they would be unable to obtain American registers, but they could take out British registers.

The privilege given by the new treaty to vessels carrying the British flag to fish in the United States waters, it would be found, was no barren privilege, as has been asserted; for besides the privilege of fishing there, which our people might avail themselves of if they choose, we should now build fishing-vessels for our neighbors. The fishing-masters of Maine and Massachusetts, when they find that they can get as good a vessel built in Lunenburg, or Shelbourne, or Yarmouth, for \$5,000 as they can in Gloucester for \$3,000, will not be slow to avail themselves of the advantage thus placed within their reach; they will not throw away the extra cost of the vessel on any mere sentiment about the flag, when the less costly vessel will suit their purpose as well, and the flag of their own nation does not secure to them any special advantages. He considered this a very material point, and he believed that Americans would largely avail themselves of the opportunity which would thus be offered of obtaining vessels at much less cost than they now paid.

The honorable gentleman knows that for the best brands of mackerel, No. 1 and No. 2, we had literally no market, except the United States; while for the inferior fish, No. 3, we had also a market there, as well as farther south.

Remove the duty, as is proposed by the Washington treaty, and our fishermen will have these valuable fields of industry restored to them. He justified the statement made by the president of the council to the effect that the duty on pickled fish in the United States was equal to a tax of \$600,000 last year on the fishing industry of Nova Scotia. The member for Halifax (Mr. Jones) had denied this, and stated that the duty on mackerel and herring shipped to the States in 1871 was only about \$90,000. That was another of that gentleman's facts that was made to do duty for a misstatement. It was quite true that the duty on our fish exported to that market last year would only have amounted to about \$90,000; but that only proved that the duty was so nearly prohibitory as to prevent the export of larger quantities. He read from a return to show that the value of the fish caught in Nova Scotia last year amounted to over \$5,000,000. Of this quantity there were 228,152 barrels mackerel and 201,600 barrels herring, the duty on which, if shipped to the States, would be over \$650,000; so that the statement made by the president of the privy council was more than justified by the facts. If there was so small a proportion of this total sold in the States, it was because the duty was almost prohibitory. Remove the duty and the custom-house returns of fish shipped to that market will show a much larger result.

It will be observed that the foregoing extracts relate in part to other points than the value of the right which the Canadians have acquired, of free access to the markets of the United States. But it seems most convenient to present them together.

Evidence will be laid before the Commission conclusively showing that the remission of duties to the Canadian fishermen during the four years which have already elapsed under the operation of the treaty, has amounted to about \$400,000 annually. But this subject, by the British case, is disposed of summarily in two or three passing sen-

tences, under the head of the convenience of reciprocal free markets; in which it seems to be tacitly assumed, rather than expressly asserted, that the removal of the duty has inured to the benefit of the American fish consumers, and not the Canadian fishermen. Such a claim can be fully refuted in various ways. In point of fact, as will appear by proof, prices were not cheapened in the markets of the United States when the fishery clauses of the treaty took effect. And there has been no subsequent gain thus produced to the consumer. The reasons are obvious: the American catch has always fixed the price in the United States markets. It is four times as large as the importations from the British provinces, and the business is almost exclusively in American hands. Consequently, after the abrogation of the Reciprocity Treaty, the duties levied on fish and fish-oils at the custom-houses of the United States were a direct tax on Canadian fishermen, who could not add any part of the duties paid by them to the price of their shipments.

When a tax or duty is imposed upon only a small portion of the producers of any commodity from which the great body of its producers are exempt, such tax or duty necessarily remains a burden upon the producers of the smaller quantity, diminishing their profits, and cannot be added to the price and so distributed among the purchasers and consumers.

Statesmen of every age and nation have striven to secure to their people, by treaties, free access to large foreign markets. The British Government, Canadian statesmen, and the inhabitants of the maritime provinces, all regarded this right, under the Treaty of Washington, as "an inestimable boon."

The last four years have been a period of commercial depression all over the world. Nevertheless the benefits already reaped by the British provinces from the Treaty of Washington have been immense; and they are destined to increase during the next eight years in a rapid ratio of progression.

In recapitulation, the United States maintain :

First. That the province of this Commission is limited solely to estimating the value, to the inhabitants of the United States, of new rights accorded by the Treaty of Washington to the fisheries within the territorial waters of the British North American provinces on the Atlantic coast; which comprise only that portion of the sea lying within a marine league of the coast, and also the interior of such bays and inlets as are less than six miles wide between their headlands; while all larger bodies of water are parts of the free and open ocean, and the territorial line within them is to be measured along the contour of the shore, according to its sinuosities, and within these limits no rights existing under the convention of 1818 can be made the subject of compensation.

Second. That within these limits there are no fisheries, except for mackerel, which United States fishermen do or advantageously can pursue; and that, of the mackerel catch, only a small fractional part is taken in British territorial waters.

Third. That the various incidental and reciprocal advantages of the treaty, such as the privileges of traffic, purchasing bait, and other supplies, are not the subject of compensation; because the Treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enforcement of existing laws, or the re-enactment of former oppressive statutes. Moreover, the treaty does not provide for any possible compensation for such privileges; and they are far more important and valuable to the subjects of Her Majesty than to the inhabitants of the United States.

Fourth. That the inshore fisheries along the coast of the United States north of the thirty-ninth parallel of north latitude are intrinsically fully as valuable as those adjacent to the British provinces; and that British fishermen can, and probably will, reap from their use as great advantages as the Americans have enjoyed, or are likely to enjoy, from the right to fish in British waters.

Fifth. That the right of importing fish and fish-oil into the markets of the United States is to British subjects a boon amounting to far more than an equivalent for any and all the benefits which the treaty has conferred upon the inhabitants of the United States.

Sixth. In respect to Newfoundland, the United States, under the Convention of 1818, en-

joyed extensive privileges. But there are no fisheries in the territorial waters of that island of which the Americans make any use. There, as everywhere else, the cod-fishery is followed in the open sea, beyond the territorial waters of Great Britain. No herring, mackerel, or other fishery is there pursued by Americans within the jurisdictional limits. The only practical connection of Newfoundland with the Treaty of Washington is the enjoyment, by its inhabitants, of the privilege of free importation of fish and fish-oil into the United States markets. The advantages of the treaty are all on one side—that of the islanders, who are immensely benefited by the opening of a valuable traffic, and by acquiring free access to a market of forty millions of people.

For the foregoing reasons, and others to be more fully developed in evidence and argument, the United States deny that this Commission ought to award any sum to the Government of Her Britannic Majesty; and assert that the advantages conferred on her subjects are vastly greater than any that have been or will be realized by the citizens of the United States under the fishery clauses of the Treaty of Washington.

DWIGHT FOSTER,
Agent of the United States Government.

APPENDIX C.

BRIEF FOR THE UNITED STATES UPON THE QUESTION OF THE EXTENT AND LIMITS OF THE INSHORE FISHERIES AND TERRITORIAL WATERS ON THE ATLANTIC COAST OF BRITISH NORTH AMERICA.

The articles relating to the fisheries in this treaty are the following :

ARTICLE XVIII.

It is agreed by the High Contracting Parties, that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish, on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish ; provided, that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery ; and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are reserved exclusively for British fishermen.

ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States, and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish ; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery ; and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE XX.

It is agreed that the places designated by the Commissioners, appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the governments of the United States and of Her Britannic Majesty, as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commis-

sion shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority, as the Commission appointed under the said first article of the treaty of the 5th of June, 1854.

ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty, that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government in a gross sum within twelve months after such award shall have been given.

ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner; that is to say, one Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its Agent, to represent it generally in all matters connected with the Commission.

ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this treaty shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission; and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months

may be extended for three months, in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary, and any other necessary officer or officers, to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and Agent or counsel; all other expenses shall be defrayed by the two governments in equal moieties.

ARTICLE XXXII.

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the legislature of Prince Edward's Island, on the one hand, and by the Congress of the United States, on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and, further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other, at the end of the said period of ten years or at any time afterward.

By the Treaty of Paris (February 10, 1763) France yielded up to Great Britain all the possessions formerly held by her in North America, with the exception of some small islands; and Great Britain thus acquired the fisheries along the shores of the North American Provinces.

From that time until the Revolution, the citizens of the United States, being under the Government of Great Britain, enjoyed the fisheries equally with the other inhabitants of the British Empire.

By the treaty of 1783, in which the independence of the United States was recognized by Great Britain, the American fishermen were permitted to fish in the waters of the North American Provinces, and to use certain parts of their coast for drying and curing fish.

Article III of the treaty is as follows, viz:

It is agreed that the people of the United States shall continue to enjoy, unmolested, the right to take fish of every kind on the Grand Bank and on all other banks of Newfoundland; also in the Gulf of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also that inhabitants of the United States shall have liberty to take fish of every kind on such part of the coasts of Newfoundland as British fishermen shall use, but not to dry or cure the same on that island; and also on the coasts, bays, and creeks of all His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, as long as the same shall remain unsettled. But as soon as the same, or either of them, shall be settled, it shall not be lawful for said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

The fisheries were among the questions discussed by the Commissioners who framed the treaty of peace at the close of the war of 1812. The

United States Commissioners claimed that the treaty of 1783 conferred no new rights upon the United States; that it was merely an agreement as to a division of property, which took place on the division of the British Empire after the success of the American Revolution, and was in no respect abrogated by the war. The British Commissioners, on the other hand, held, that while the treaty of 1873 recognized the right of the United States to the deep-sea fisheries, it conferred privileges as to the inshore fisheries, and the use of the shores which were lost by declaration of war. The Commissioners were unable to come to an agreement, and the Treaty of Ghent, December 24, 1814, did not allude to the question of the fisheries, which remained unsettled.

Until the year 1818, the American fishermen carried on the fisheries as before the war of 1812, but were harassed and troubled by the British cruisers; and several were captured and carried into Halifax, for alleged infringement of the fishing laws, although the American government still claimed, under the treaty of 1783, the right to fish anywhere on the coasts of the British provinces. In a long correspondence with Lord Bathurst, Mr. John Quincy Adams maintains the claims of the United States. *American State Papers, Foreign Relations, vol. iii, page 732 et seq.* In 1818, Mr. Albert Gallatin, the minister to France, and Mr. Richard Rush, the minister to Great Britain, were empowered by the President to treat and negotiate with Great Britain concerning the fisheries, and other matters of dispute between the two governments. Mr. Frederick John Robinson and Mr. Henry Goulburn were the British Commissioners; and, after a long conference, the Convention of October 20, 1818, was agreed upon, the article of which concerning the fisheries and the subject of the present discussion is as follows, viz:

ARTICLE I.

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the High Contracting Parties, that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of any kind, on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands; and also on the coasts, bays, harbors, and creeks, from Mount Joly on the southern coast of Labrador, to and through the straits of Belle Isle, and thence northwardly, indefinitely along the coast; and that the American fishermen shall also have the liberty for ever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereinbefore described, and of the coast of Labrador. But as soon as the same, or any portion thereof, shall be settled, it shall not be lawful for said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounces for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as shall be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby secured to them.

The construction placed upon this article by the Government of the Dominion has been formerly: First, that American fishermen are thereby excluded from, and have given up all rights to, the fisheries in the large bays; such as the Bay of Fundy, the Bay of Chaleurs, and the Bay of Miramichi. Second, that a straight line should be drawn from head-

land to headland, across the mouths of all bays, gulfs, or indentations of the shore, and from this line the three marine miles mentioned in the convention should be measured; and that this was the limit within which the Americans were forbidden to prosecute the fisheries. On the other hand, the American Government has always insisted that the three-mile limit should follow the coast parallel to its sinuosities, and should be measured across the mouths of bays only when the distance from headland to headland did not exceed six miles.

After 1818 there appears to have been no correspondence between the two governments until 1824, and during these six years American fishermen used the fisheries in the Bay of Fundy, and more than three miles beyond the line of low-water mark along the shores, without molestation or interference.

In September, 1824, Mr. Brent writes to Mr. Addington, *chargé d'Affaires* from Great Britain:

I have the honor to transmit to you three memorials, from sundry citizens of the United States belonging to the State of Maine, accompanied by seven protests and affidavits, which exhibit the nature and extent of the facts referred to by the memorialists, complaining of the interruption which they have experienced, during the present season, in their accustomed and lawful employment of taking and curing fish in the Bay of Fundy and upon the Grand Banks by the British armed brig *Dotterel*, commanded by Captain Hoare, and another vessel, a provincial cutter of New Brunswick, acting under the orders of that officer; and earnestly soliciting the interposition of this government to procure them suitable redress.

This complaint of the American Government was caused by the seizure of two vessels, the *Reindeer* and the *Ruby*, on July 26, 1824, at Two-Island Harbor, Grand Menan. The correspondence does not show what the precise cause of the seizure was. The report of Captain Hoare merely says "infringing the treaty." These two vessels were afterward rescued by the fishermen and carried into the harbor of Eastport.

Afterward, in answer to this, February 19, 1825, Mr. Addington writes to Mr. Adams, Secretary of State:

It will, I trust, sir, most conclusively appear to you that the complainants have no just ground of accusation against the officers of the *Doterel*, nor are entitled to reparation for the loss they have sustained; that, on the contrary, they rendered themselves, by the irregularity of their own conduct, justly obnoxious to the severity exercised against them, having been taken, some *flagrante delicto*, and others in such a position and under such circumstances as rendered it absolutely impossible that they could have had any other intention than that of pursuing their avocations as fishermen, within the lines laid down by treaty as forming boundaries within which such pursuit was interdicted to them.

The evidence regarding the seizure of these and various other American vessels is appended to this letter, and will be found in full, with the affidavits of the American seamen, in Senate Ex. Doc. No. 100, 32d Congress, 1st session.

The next correspondence was January, 1836, when Mr. Charles Bankhead, *chargé d'affaires*, writes to Mr. Forsyth concerning the encroachments "on the limits of the British fisheries carried on in the river and Gulf of St. Lawrence."

At this time a circular was issued by the Secretary of the Treasury to the American fishermen, enjoining them to observe the limits of the treaty, but without saying what these limits were. The claim of the provincial authorities to exclude American fishermen from the great bays, such as Fundy and Chaleurs, and also from a distance of three miles, determined by a line drawn from headland to headland across their mouths, was not attempted to be enforced until the years 1838 and 1839, when several of the American fishing vessels were seized by the British cruisers for fishing in the large bays. On July 10, 1839, Mr.

Vail, the acting Secretary of State, writes to Mr. H. S. Fox, complaining of seizures in the Bay of Fundy by the British Government vessel, the *Victory*.

A letter from Lieutenant-Commander Paine to Mr. Forsyth, Secretary of State, dated December 29, 1839, sums up the matters in dispute thus:

The authorities of Nova Scotia seem to claim a right to exclude Americans from all bays, including such large seas as the Bay of Fundy and the Bay of Chaleurs; and also to draw a line from headland to headland, the Americans not to approach within three miles of this line. The fishermen, on the contrary, believe they have a right to work anywhere, if not nearer than three miles from the land.

With the exception of the vessels seized in the Bay of Fundy, referred to in the letter from Mr. Vail, this construction of the clause in the treaty was not rigidly enforced. Indeed, the orders of Admiral Sir Thomas Hardy, as stated by himself, were only to prevent American vessels fishing nearer than three miles from shore.

In February, 1841, Mr. Forsyth writes to Mr. Stevenson, the American minister at St. James, desiring him to present formally to the British Government the demand of the United States in regard to the right of fishing off the Canadian coast.

Mr. Forsyth to Mr. Stevenson, February 20, 1841.

The first article of the Convention of 1818 between the United States and Great Britain, which contains the treaty stipulations relating to the subject, is so explicit in its terms that there would seem to be little room for misapprehending them; and, indeed, it does not appear that any conflicting questions of right between the two governments have arisen out of differences of opinion between them regarding the intent and meaning of this article. Yet in the actual application of the provisions of the treaty, committed, on the part of Great Britain, to the hands of subordinate agents, subject to and controlled by local legislation, difficulties growing out of individual acts have sprung up from time to time; and, of these, perhaps the most grave in their character are the recent seizures of American vessels made, it is believed, under color of a provincial law entitled William IV, chap. 8, 1836, enacted, doubtless, with a view rigorously to restrict, if not intended to directly aim a fatal blow at, our fisheries on the coast of Nova Scotia. From information in the possession of the department, it appears that the provincial authorities assume a right to exclude American vessels from all their bays, even including those of Fundy and Chaleurs, and to prohibit their approach within three miles of a line drawn from headland to headland.

Our fishermen believe—and they are obviously right in their opinion, if uniform practice is any evidence of correct construction—that they can with propriety take fish anywhere on the coasts of the British provinces, if not nearer than three miles to land, and resort to their ports for shelter, wood, water, &c.; nor has this claim ever been seriously disputed, based as it is on the plain and obvious terms of the convention, while the construction attempted to be put upon that instrument by the authorities of Nova Scotia is directly in conflict with its provisions, and entirely subversive of the rights and interests of our citizens. It is one which would lead to the abandonment, to a great extent, of a highly important branch of American industry, and cannot for one moment be admitted by this government.

Mr. Stevenson, in his official note to Lord Palmerston, states the matter in dispute and the claims of the United States very strongly:

It also appears, from information recently received by the government of the United States, that the provincial authorities assume a right to exclude the vessels of the United States from all bays, even including those of Fundy and Chaleurs; and likewise to prohibit their approach within three miles of a line *drawn from headland to headland, instead of from the indents of the shores of the provinces*. They also assert the right of excluding them from British ports, except in actual distress; warning them to depart, or get under weigh and leave harbor, whenever the provincial custom-house or British naval officer shall suppose that they have remained a reasonable time, and this without a full examination of the circumstances under which they may have entered the port. Now, the fishermen of the United States believe—and it would seem that they are right in their opinion, if uniform practice is any evidence of correct construction—that they can with propriety take fish anywhere on the coasts of the British provinces, if not *nearer than three marine miles from land*, and have the right to resort to their ports for shelter, wood, and water; nor has this claim, it is believed, ever been

seriously disputed, based as it is on the plain and obvious terms of the convention. Indeed, the main object of the treaty was not only to secure to American fishermen, in the pursuit of their employment, the right of fishing, but likewise to insure them as large a proportion of the conveniences afforded by the neighboring coasts of British settlements as might be reconcilable with the just rights and interests of British subjects and the due administration of Her Majesty's dominions. The construction, therefore, which has been attempted to be put upon the stipulations of the treaty by the authorities of Nova Scotia is directly in conflict with their object, and entirely subversive of the rights and interests of the citizens of the United States. It is one, moreover, which would lead to the abandonment, to a great extent, of a highly important branch of American industry, which could not for a moment be admitted by the Government of the United States.

Lord Palmerston acknowledges the receipt of this note, and states that he has referred the matter to the Secretary of State for the Colonial Department. Here the matter rested, no definite understanding seeming to have arisen between the two governments.

On May 10, 1843, the American schooner *Washington*, belonging to Newburyport, Mass., was seized in the Bay of Fundy by an officer of the provincial customs, and carried into Yarmouth, Nova Scotia, on account of alleged violation of the provisions of the treaty. The *Washington* was, at the time of her seizure, within the Bay of Fundy, but distant ten miles from the shore, as appears from the deposition of William Bragg, one of her crew:

I further depose and say that at no time while I was on board said schooner did we, or any of us, take or attempt to take fish within ten miles of the coast of Nova Scotia, New Brunswick, or of the islands belonging to either of those provinces; that the place where said schooner was taken possession of as aforesaid was opposite to a place on the coast of Nova Scotia called *Gulliver's Hole*, and is distant from Annapolis Gut about fifteen miles, the said *Gulliver's Hole* being to the southwestward of said Annapolis Gut.

This seizure of the *Washington* was the cause of a special message of President Tyler to the United States Senate, February 28, 1845.

The correspondence between Mr. Everett, the American minister, and Lord Aberdeen shows the positions taken by the two governments.

Mr. Everett to Lord Aberdeen, August 10, 1843.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to transmit to the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, the accompanying papers relating to the seizure, on the 10th of May last, on the coast of Nova Scotia, by an officer of the provincial customs, of the American fishing-schooner *Washington*, of Newburyport, in the State of Massachusetts, for an alleged infraction of the stipulations of the Convention of the 20th of October, 1818, between the United States and Great Britain.

It appears from the deposition of William Bragg, a seaman on board the *Washington*, that at the time of her seizure she was not within ten miles of the coast of Nova Scotia. By the first article of the convention alluded to, the United States renounce any liberty heretofore enjoyed or claimed by their inhabitants to take, dry, or cure fish on or within three marine miles of any coast of Her Majesty's dominions in America for which express provision is not made in the said article. This renunciation is the only limitation existing on the right of fishing upon the coasts of Her Majesty's dominions in America secured to the people of the United States by the third article of the treaty of 1783.

The right, therefore, of fishing on any part of the coast of Nova Scotia, at a greater distance than three miles, is so plain, that it would be difficult to conceive on what ground it could be drawn in question, had not attempts been already made by the provincial authorities of Her Majesty's colonies to interfere with its exercise. These attempts have formed the subject of repeated complaints on the part of the Government of the United States, as will appear from several notes addressed by the predecessor of the undersigned to Lord Palmerston.

From the construction attempted to be placed, on former occasions, upon the first article of the treaty of 1818, by the colonial authorities, the undersigned supposes that the *Washington* was seized because she was found fishing in the Bay of Fundy, and on the ground that the lines within which American vessels are forbidden to fish are

to run from headland to headland, and not to follow the shore. It is plain, however, that neither the words nor the spirit of the convention admits of any such construction; nor, it is believed, was it set up by the provincial authorities for several years after the negotiation of that instrument. A glance at the map will show Lord Aberdeen that there is, perhaps, no part of the great extent of the sea-coasts of Her Majesty's possessions in America in which the right of an American vessel to fish can be subject to less doubt than that in which the Washington was seized.

For a full statement of the nature of the complaints which have, from time to time, been made by the Government of the United States against the proceedings of the colonial authorities of Great Britain, the undersigned invites the attention of Lord Aberdeen to a note of Mr. Stevenson, addressed to Lord Palmerston on the 27th March, 1841. The receipt of this note was acknowledged by Lord Palmerston on the 2d of April; and Mr. Stevenson was informed that the subject was referred by his lordship to the Secretary of State for the Colonial Department.

On the 28th of the same month, Mr. Stevenson was further informed by Lord Palmerston that he had received a letter from the Colonial Department, acquainting his lordship that Mr. Stevenson's communication would be forwarded to Lord Falkland, with instructions to inquire into the allegations contained therein, and to furnish a detailed report upon the subject. The undersigned does not find on the files of this legation any further communication from Lord Palmerston in reply to Mr. Stevenson's letter of the 27th March, 1841; and he believes that letter still remains unanswered.

In reference to the case of the Washington, and those of a similar nature which have formerly occurred, the undersigned cannot but remark upon the impropriety of the conduct of the colonial authorities in undertaking, without directions from Her Majesty's Government, to set up a new construction of a treaty between the United States and England, and in proceeding to act upon it by the forcible seizure of American vessels.

Such a summary procedure could only be justified by a case of extreme necessity, and where some grave and impending mischief required to be averted without delay. To proceed to the capture of vessels of a friendly power for taking a few fish within limits alleged to be forbidden, although allowed by the express terms of the treaty, must be regarded as a very objectionable stretch of provincial authority. The case is obviously one for the consideration of the two governments, and in which no disturbance of a right, exercised without question for fifty years from the treaty of 1783, ought to be attempted by any subordinate authority. Even Her Majesty's Government, the undersigned is convinced, would not proceed in such a case to violent measures of suppression without some understanding with the Government of the United States, or, in the failure of an attempt to come to an understanding, without due notice given of the course intended to be pursued.

The undersigned need not urge upon Lord Aberdeen the desirableness of an authoritative intervention on the part of Her Majesty's Government to put an end to the proceedings complained of. The President of the United States entertains a confident expectation of an early and equitable adjustment of the difficulties which have been now for so long a time under the consideration of Her Majesty's Government. This expectation is the result of the President's reliance upon the sense of justice of Her Majesty's Government, and the fact that, from the year 1818, the date of the convention, until some years after the attempts of the provincial authorities to restrict the rights of American vessels by colonial legislation, a *practical* construction was given to the first article of the convention in accordance with the obvious purport of its terms, and settling its meaning as understood by the United States.

The undersigned avails himself of this opportunity to tender to Lord Aberdeen the assurance of his distinguished consideration.

Lord Aberdeen to Mr. Everett, April 15, 1844.

Mr. Everett, in submitting this case, does not cite the words of the treaty, but states in general terms that, by the first article of said treaty, the United States renounce any liberty heretofore enjoyed or claimed by their inhabitants to take, dry, or cure fish on or within three miles of any of the coasts of Her Majesty's dominions in America. Upon reference, however, to the words of the treaty, it will be seen that American vessels have no right to fish, and, indeed, are expressly debarred from fishing, in any bay on the coast of Nova Scotia.

The words of the treaty of October, 1818, Article 1, run thus: "And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to *take*, dry, or cure fish on or *within three marine miles* of any coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits; that is, Newfoundland, Labrador, and other parts separate from Nova Scotia: *Provided, however*, That the American fishermen shall be *admitted to enter* such bays or harbors for the purpose of shelter," &c.

It is thus clearly provided that American fishermen shall not take fish within three marine miles of any bay of Nova Scotia, &c. If the treaty was intended to stipulate simply that American fishermen should not take fish within three miles of the coast of Nova Scotia, &c., there was no occasion for using the word "bay" at all. But the proviso at the end of the article shows that the word "bay" was used designedly; for it is expressly stated in the proviso that, under certain circumstances, the American fishermen may enter *bays*; by which it is evidently meant that they may, under those circumstances, pass the sea-line which forms the entrance of the bay. The undersigned apprehends that this construction will be admitted by Mr. Everett.

Mr. Everett to Mr. Aberdeen, May 25, 1844.

The undersigned had remarked, in his note of the 10th of August last, on the impropriety of the conduct of the colonial authorities in proceeding, in reference to a question of construction of a treaty pending between the two countries, to decide the question in their own favor, and, in virtue of that decision, to order the capture of the vessels of a friendly State. A summary exercise of power of this kind, the undersigned is sure, would never be resorted to by Her Majesty's Government, except in an extreme case, while a negotiation was in train on the point at issue. Such a procedure on the part of a local colonial authority is, of course, highly objectionable; and the undersigned cannot but again invite the attention of Lord Aberdeen to this view of the subject.

With respect to the main question, of the right of American vessels to fish within the acknowledged limits of the Bay of Fundy, it is necessary, for a clear understanding of the case, to go back to the treaty of 1783.

By this treaty it was provided that the citizens of the United States should be allowed "to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, but not to dry or cure the same on that island; and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of that ground."

These privileges and conditions were, in reference to a country of which a considerable portion was then unsettled, likely to be attended with differences of opinion as to what should, in the progress of time, be accounted a settlement from which American fishermen might be excluded. These differences in fact arose; and, by the year 1818, the state of things was so far changed that Her Majesty's Government thought it necessary, in negotiating the convention of that year, entirely to except the Province of Nova Scotia from the number of the places which might be frequented by Americans, as being in part unsettled, and to provide that the fishermen of the United States should not pursue their occupation within three miles of the shores, bays, creeks, and harbors of that and other parts of Her Majesty's possessions similarly situated. The privilege reserved to American fishermen by the Treaty of 1783, of taking fish in all waters, and drying them on all the unsettled portions of the coast of these possessions, was accordingly, by the convention of 1818, restricted as follows:

"The United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of sheltering and repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever."

The existing doubt as to the construction of the provision arises from the fact that a broad arm of the sea runs up to the northeast, between the provinces of New Brunswick and Nova Scotia. This arm of the sea, being commonly called the Bay of Fundy, though not in reality possessing all the characters usually implied by the term "bay," has of late years been claimed by the provincial authorities of Nova Scotia to be included among "the coasts, bays, creeks, and harbors" forbidden to American fishermen.

An examination of the map is sufficient to show the doubtful nature of this construction. It was notoriously the object of the article of the treaty in question to put an end to the difficulties which had grown out of the operations of the fishermen from the United States, along the coasts and upon the shores of the settled portions of the country; and, for that purpose, to remove their vessels to a distance not exceeding three miles from the same. In estimating this distance, the undersigned admits it to be the intent of the treaty, as it is itself reasonable, to have regard to the general line of the coast; and to consider its bays, creeks, and harbors—that is, the indentations usually so accounted—as included within that line. But the undersigned cannot admit it to

be reasonable, instead of thus following the general directions of the coast, to draw a line from the southwesternmost point of Nova Scotia to the termination of the northeastern boundary between the United States and New Brunswick; and to consider the arms of the sea which will thus be cut off, and which cannot on that line be less than sixty miles wide, as one of the bays on the coast from which American vessels are excluded. By this interpretation, the fishermen of the United States would be shut out from the waters distant, not three, but thirty miles from any part of the colonial coast. The undersigned cannot perceive that any assignable object of the restriction imposed by the Convention of 1818 on the fishing privilege accorded to the citizens of the United States, by the Treaty of 1783, requires such a latitude of construction.

It is obvious that, by the terms of the treaty, the farthest distance to which fishing-vessels of the United States are obliged to hold themselves from the colonial coasts and bays is three miles. But, owing to the peculiar configuration of these coasts, there is a succession of bays indenting the shores both of New Brunswick and Nova Scotia, within any distance not less than three miles—a privilege from the enjoyment of which they will be wholly excluded—in this part of the coast, if the broad arm of the sea which flows up between New Brunswick and Nova Scotia is itself to be considered one of the forbidden bays.

Lastly—and this consideration seems to put the matter beyond doubt—the construction set up by Her Majesty's colonial authorities would altogether nullify another, and that a most important, stipulation of the treaty, about which there is no controversy, viz, the privileges reserved to American fishing-vessels of taking shelter and repairing damages in the bays within which they are forbidden to fish. There is, of course, no shelter nor means of repairing damages for a vessel entering the Bay of Fundy, in itself considered. It is necessary, before relief or succor of any kind can be had, to traverse that broad arm of the sea, and reach the bays and harbors (properly so called) which indent the coast, and which are no doubt the bays and harbors referred to in the Convention of 1818. The privilege of entering the latter in extremity of weather, reserved by the treaty, is of the utmost importance. It enables the fisherman, whose equipage is always very slender—that of the *Washington* was four men all told—to pursue his laborious occupation with comparative safety, in the assurance that, in one of the sudden and dangerous changes of weather so frequent and so terrible on this iron-bound coast, he can take shelter in a neighboring and friendly port. To forbid him to approach within thirty miles of that port, except for shelter in extremity of weather, is to forbid him to resort there for that purpose. It is keeping him at such a distance at sea as wholly to destroy the value of the privilege expressly reserved.

In fact, it would follow, if the construction contended for by the British colonial authorities were sustained, that two entirely different limitations would exist in reference to the right of shelter reserved to American vessels on the shores of Her Majesty's colonial possessions. They would be allowed to fish within three miles of the place of shelter along the greater part of the coast; while, in reference to the entire extent of shore within the Bay of Fundy, they would be wholly prohibited from fishing along the coast, and would be kept at a distance of twenty or thirty miles from any place of refuge in case of extremity. There are certainly no obvious principles which render such a construction probable.

In August, 1844, the American schooner *Argus* was seized while fishing off the coast of Cape Breton, under exactly similar circumstances with the seizure of the *Washington*.

Mr. Everett, at the request of the United States Government, called this seizure to the notice of the Earl of Aberdeen, and reiterates the arguments previously used with reference to the *Washington*:

Mr. Everett to the Earl of Aberdeen, October 9, 1844.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to transmit to the Earl of Aberdeen, Her Majesty's principal secretary of state for foreign affairs, the accompanying papers relating to the capture of an American fishing-vessel, the *Argus*, by a government cutter from Halifax, the *Sylph*, on the 6th of July last.

In addition to the seizure of the vessel, her late commander, as Lord Aberdeen will perceive from his deposition, complains of harsh treatment on the part of the captors.

The grounds assigned for the capture of this vessel are not stated with great distinctness. They appear to be connected partly with the construction set up by Her Majesty's provincial authorities in America that the line within which vessels of the United States are forbidden to fish is to be drawn from headland to headland, and not to follow the indentations of the coast, and partly with the regulations established by those authorities in consequence of the annexation of Cape Breton to Nova Scotia.

With respect to the former point, the undersigned deems it unnecessary, on this

occasion, to add anything to the observation contained in his note to Lord Aberdeen of the 25th of May, on the subject of limitations of the right secured to American fishing-vessels by the Treaty of 1783 and the Convention of 1818, in reply to the note of his lordship of the 15th of April on the same subject. As far as the capture of the *Argus* was made under the same authority of the act annexing Cape Breton to Nova Scotia, the undersigned would observe that he is under the impression that the question of the legality of that measure is still pending before the judicial committee of Her Majesty's privy council. It would be very doubtful whether rights secured to American vessels under public compacts could, under any circumstances, be impaired by acts of subsequent domestic legislation; but to proceed to capture American vessels in virtue of such acts, while their legality is drawn in question by the home government, seems to be a measure as unjust as it is harsh.

Without enlarging on these views of the subject, the undersigned would invite the attention of the Earl of Aberdeen to the severity and injustice which in other respects characterize the laws and regulations adopted by Her Majesty's provincial authorities against the fishing-vessels of the United States. Some of the provisions of the provincial law in reference to the seizures which it authorizes of American vessels, were pronounced, in a note of Mr. Stevenson to Viscount Palmerston, of the 27th of March, 1841, to be "violations of well-established principles of the common law of England, and of the principles of the just laws of well-civilized nations"; and this strong language was used by Mr. Stevenson under the express instructions of his government.

A demand of security to defend the suit from persons so little able to furnish it as the captains of small fishing-schooners, and so heavy that, in the language of the consul at Halifax, "it is generally better to let the suit go by default," must be regarded as a provision of this description. Others still more oppressive are pointed out in Mr. Stevenson's note above referred to, in reference to which the undersigned finds himself obliged to repeat the remark made in his note to Lord Aberdeen of the 10th of August, 1843, that he believes it still remains unanswered.

It is stated by the captain of the *Argus* that the commander of the Nova Scotia schooner by which he was captured said that he was within three miles of the line beyond which, "on their construction of the treaty, we were a lawful prize, and that he seized us to settle the question."

The undersigned again feels it his duty, on behalf of his government, formally to protest against an act of this description. American vessels of trifling size, and pursuing a branch of industry of the most harmless description, which, however beneficial to themselves, occasions no detriment to others, instead of being turned off the debatable fishing-ground—a remedy fully adequate to the alleged evil—are proceeded against as if engaged in the most undoubted infractions of municipal law or the law of nations; captured and sent into port, their crews deprived of their clothing and personal effects, and the vessels subjected to a mode of procedure in the courts which amounts in many cases to confiscation; and this is done to settle the construction of a treaty.

A course so violent and unnecessarily harsh would be regarded by any government as a just cause of complaint against any other with whom it might differ in the construction of a national compact. But when it is considered that these are the acts of a provincial government, with whom that of the United States has and can have no intercourse, and that they continue and are repeated while the United States and Great Britain, the only parties to the treaty the purport of whose provisions is called in question, are amicably discussing the matter, with every wish on both sides to bring it to a reasonable settlement, Lord Aberdeen will perceive that it becomes a subject of complaint of the most serious kind.

As such, the undersigned is instructed again to bring it to Lord Aberdeen's notice, and to express the confident hope that such measures of redress as the urgency of the case requires will, at the instance of his lordship, be promptly resorted to.

March 10, 1845, Lord Aberdeen writes to Mr. Everett, informing him that, although the British Government still adhered to their previous construction of the treaty, and denied any right of American fishermen to fish within three miles of a line drawn from headland to headland across the mouths of the bays on the Canadian coast, yet the rule would be relaxed so far that American vessels would be permitted to fish in the Bay of Fundy at any part not less than three miles from shore, and "provided they do not approach, except in the cases specified in the treaty of 1818, within three miles of the entrance of any bay on the coast of Nova Scotia or New Brunswick."

Mr. Everett, March 25, 1845, thanks Lord Aberdeen for "the amicable disposition evinced by Her Majesty's Government;" but he still main-

tains the American construction of the treaty; saying that he does this, not "for the sake of detracting from the liberality evinced by Her Majesty's Government in relaxing from what they regard as their right, but it would be placing his own government in a false position to accept as mere favor that for which they have so long and strenuously contended as due to them from the Convention."

In the case of the *Washington*, which formed the subject of the note of the undersigned of the 25th of May, 1844, to which the present communication of Lord Aberdeen is a reply, the capture complained of was in the waters of the Bay of Fundy. The principal portion of the argument of the undersigned was addressed to that part of the subject.

In the case, however, of the *Argus*, which was treated in the note of the undersigned of the 9th of October, the capture was in the waters which wash the northeastern coast of Cape Breton, a portion of the Atlantic Ocean intercepted, indeed, between a straight line drawn from Cape North to the northern head of Cow Bay, but possessing none of the characters of a bay (far less so than the Bay of Fundy), and not called a "bay" on any map which the undersigned has seen. The aforesaid line is a degree of latitude in length; and, as far as reliance can be placed on the only maps (English ones) in the possession of the undersigned on which this coast is distinctly laid down, it would exclude vessels from fishing-grounds which might be thirty miles from the shore.

But if Her Majesty's provincial authorities are permitted to regard as a "bay" any portion of the sea which can be cut off by a direct line connecting two points of the coast, however destitute in other respects of the character usually implied by that name, not only will the waters on the northeastern coast of Cape Breton, but on many other parts of the shores of the Anglo-American dependencies where such exclusion has not yet been thought of, be prohibited to American fishermen. In fact, the waters which wash the entire southeastern coast of Nova Scotia, from Cape Sable to Cape Canso, a distance on a straight line of rather less than three hundred miles, would in this way constitute a bay, from which United States fishermen would be excluded.

The undersigned, however, forbears to dwell on this subject, being far from certain, on a comparison of all that is said in the two notes of Lord Aberdeen of the 10th instant, as to the relaxation proposed by Her Majesty's Government, that it is not intended to embrace the waters of the northeastern coasts of Cape Breton, as well as the Bay of Fundy.

The British colonial fishermen possess considerable advantages over those of the United States. The remoter fisheries of Newfoundland and Labrador are considerably more accessible to the colonial than to the United States fishermen. The fishing-grounds on the coasts of New Brunswick and Nova Scotia, abounding in cod, mackerel, and herring, lie at the doors of the former. He is, therefore, able to pursue his avocation in a smaller class of vessels, and requires a smaller outfit; he is able to use the net and the seine to great advantage in the small bays and inlets along the coast from which the fishermen of the United States, under any construction of the treaty, are excluded.

All, or nearly all, the materials of shipbuilding—timber, iron, cordage, and canvas—are cheaper in the colonies than in the United States; as are salt, hooks, and lines. There is also a great advantage enjoyed by the former in reference to the supply of bait and curing the fish. These and other causes have enabled the colonial fishermen to drive those of the United States out of many foreign markets, and might do so at home but for the protection afforded by the duties.

It may be added, that the highest duty on the kinds of fish that would be sent to American market is less than a half-penny per pound, which cannot do more than counterbalance the numerous advantages possessed by the colonial.

The undersigned supposes, though he has no particular information to that effect, that equal or higher duties exist in the colonies on the importation of fish from the United States.

The undersigned requests the Earl of Aberdeen to accept the assurance of his high consideration.

On the same date, March 25, 1845, Mr. Everett writes to Mr. Calhoun, reporting the communication of Lord Aberdeen granting American fishermen permission to fish in the Bay of Fundy:

You are aware that the construction of the first article of the Convention between Great Britain and the United States, of 1818, relative to the right of fishing in the waters of the Anglo-American dependencies, has long been in discussion between the two governments. Instructions on this subject were several times addressed by Mr. For-^{est}yth to my predecessor, particularly in a dispatch of the 20th of February, 1841, which formed the basis of an able and elaborate note from Mr. Stevenson to Lord

Palmerston, of the 27th of the following month. Mr. Stevenson's representations were acknowledged, and referred by the Colonial Office to the provincial government of Nova Scotia; but no other answer was returned to them.

The exclusion of American fishermen from the waters of the Bay of Fundy was the most prominent of the grievances complained of on behalf of the United States. Having received instructions from the department in reference to the seizure of the Washington, of Newburyport, for fishing in the Bay of Fundy, I represented the case to Lord Aberdeen in a note of the 10th of August, 1843. An answer was received to this note on the 15th of April following; in which Lord Aberdeen confined himself to stating that, by the terms of the convention, the citizens of the United States were not allowed to fish within three miles of any bay upon the coast of the British American colonies, and could not, therefore, be permitted to pursue their avocation within the Bay of Fundy. I replied to this note on the 25th of May following, and endeavored to show that it was the spirit and design of the first article of the Convention of 1818 to reserve to the people of the United States the right of fishing within three miles of the coast. Some remarks on the state of the controversy at that time will be found in my dispatch No. 130, of the 26th of May last.

On the 9th of October last, in obedience to your instructions, No. 105, I addressed a note to Lord Aberdeen in reference to the case of the Argus of Portland, which was captured while fishing on St. Anne's Bank, off the northeastern coast of Cape Breton. The papers relative to this case left the precise grounds of the seizure of the Argus in some uncertainty. It was, however, sufficiently apparent that they were to some extent, at least, similar to those for which the Washington had been captured.

I received a few days since, and herewith transmit, a note from Lord Aberdeen, containing the satisfactory intelligence, that after a reconsideration of the subject, although the Queen's Government adhere to the construction of the convention which they have always maintained, they have still come to the determination of relaxing from it, so far as to allow American fishermen to pursue their avocations in the Bay of Fundy.

I thought it proper, in replying to Lord Aberdeen's note, to recognize in ample terms the liberal spirit evinced by Her Majesty's Government, in relaxing from what they consider their right. At the same time, I felt myself bound to say that the United States could not accept as a mere favor what they had always claimed as a matter of right, secured by the treaty.

Mr. Everett to Mr. Buchanan, April 23, 1845.

With my dispatch No. 278, of 25th March, I transmitted the note of Lord Aberdeen of the 10th of March, communicating the important information that this government had come to the determination to concede to American fishermen the right of pursuing their occupation within the Bay of Fundy. It was left somewhat uncertain, by Lord Aberdeen's note, whether this concession was intended to be confined to the Bay of Fundy, or to extend to other portions of the coast of the Anglo-American possessions, to which the principles contended for by the Government of the United States equally apply, and particularly to the waters on the northeastern shores of Cape Breton, where the Argus was captured. In my notes of the 25th ultimo and 2d instant, on the subject of the Washington and the Argus, I was careful to point out to Lord Aberdeen that all the reasons for admitting the right of Americans to fish in the Bay of Fundy apply to those waters, and with superior force, inasmuch as they are less landlocked than the Bay of Fundy; and to express the hope that the concession was meant to extend to them, which there was some reason to think, from the mode in which Lord Aberdeen expressed himself, was the case.

I received last evening the answer of his lordship, informing me that my two notes had been referred to the Colonial Office, and that a final reply could not be returned till he should be made acquainted with the result of that reference; and that, in the mean time, the concession must be understood to be limited to the Bay of Fundy.

The merits of the question are so clear, that I cannot but anticipate that the decision of the Colonial Office will be in favor of the liberal construction of the convention. In the mean time I beg leave to suggest, that, in any public notice which may be given that the Bay of Fundy is henceforth open to American fishermen, it should be carefully stated that the extension of the same privilege to the other great bays on the coast of the Anglo-American dependencies is a matter of negotiation between the two governments.

After an ineffectual attempt to induce the United States to conclude a Reciprocity Treaty with the British provinces, Mr. Crampton gave notice to the Secretary of State, Mr. Webster, July 5, 1852, that a force of war-steamers and sailing-vessels was coming to the fishing-grounds to prevent encroachments of vessels belonging to citizens of the United States on the fishing-grounds reserved to Great Britain.

August 23, 1852, the Provincial Secretary issued a notice, that "no American fishing-vessels are entitled to commercial privileges in provincial ports, but are subject to forfeiture if found engaged in traffic. The colonial collectors have no authority to permit freight to be landed from such vessels, which, under the convention, can only enter our ports for the purposes specified therein, and for no other."

Under the clauses of the Convention of February 8, 1853, the case of the "Washington" came before the Joint Commission for settlement of claims, in London, and, on the disagreement of the Commissioners, was decided by the umpire, Mr. Joshua Bates, in favor of the United States, on the ground that, by the construction of the treaty of 1818, the United States fishermen had the right to fish in the Bay of Fundy and the other bays of the coast of British North American Provinces, as long as they did not fish within three miles of the coast. The full text of the decision is as follows, viz:

Bates, Umpire:

The schooner Washington was seized by the revenue schooner Julia, Captain Darby, while fishing in the Bay of Fundy, ten miles from the shore, on the 10th of May, 1843, on the charge of violating the treaty of 1818. She was carried to Yarmouth, Nova Scotia, and there decreed to be forfeited to the crown by the judge of the vice-admiralty court, and, with her stores, ordered to be sold. The owners of the Washington claim for the value of the vessel and appurtenances, outfits, and damages, \$2,483, and for eleven years' interest, \$1,638, amounting together to \$4,121. By the recent reciprocity treaty, happily concluded between the United States and Great Britain, there seems no chance for any further dispute in regard to the fisheries.

It is to be regretted that, in that treaty, provision was not made for settling a few small claims of no importance in a pecuniary sense, which were then existing; but, as they have not been settled, they are now brought before this Commission.

The Washington fishing-schooner was seized, as before stated, in the Bay of Fundy, ten miles from the shore, off Annapolis, Nova Scotia.

It will be seen by the treaty of 1783 between Great Britain and the United States that the citizens of the latter, in common with the subjects of the former, enjoyed the right to *take* and *cure* fish on the shores of all parts of Her Majesty's dominions in America used by British fishermen; but not to dry fish on the island of Newfoundland, which latter privilege was confined to the shores of Nova Scotia, in the following words: "And American fishermen shall have liberty to dry and cure fish on any of the unsettled bays, harbors, and creeks of Nova Scotia; but, as soon as said shores shall become settled, it shall not be lawful to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

The treaty of 1818 contains the following stipulations in relation to the fishery:

"Whereas differences have arisen respecting the liberty claimed by the United States to *take, dry, and cure* fish on certain *coasts, harbors, and creeks* of His Britannic Majesty's dominions in America, it is agreed that the inhabitants of the United States shall have, in common with the subjects of His Britannic Majesty, the right to fish on certain portions of the southern, western, and northern coast of Newfoundland; and, also, on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle; and thence, northwardly, indefinitely along the coast; and that American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of said described coasts until the same become settled, and the United States renounce the liberty *heretofore enjoyed* or claimed by the inhabitants thereof to take, dry, or cure fish *on or within three marine miles* of any of the coasts, bays, creeks, and harbors of His Britannic Majesty's dominions in America, not included in the above-mentioned limits: *Provided, however, That* the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved for them."

The question turns, so far as relates to the treaty stipulations, on the meaning given to the word "bays" in the treaty of 1783. By that treaty the Americans had no right to dry and cure fish on the shores and *bays* of Newfoundland; but they had that right on the shores, coasts, *bays, harbors, and creeks* of Nova Scotia; and, as they must land to cure fish on the shores, bays, and creeks, they were evidently admitted to the shores *of the bays, &c.* By the treaty of 1818 the same right is granted to cure fish on the coasts, bays, &c., of Newfoundland; but the Americans relinquished that right, and

the right to fish within three miles of the coasts, bays, &c., of Nova Scotia. Taking it for granted that the framers of the treaty intended that the word "bay" or "bays" should have the same meaning in all cases, and no mention being made of headlands, there appears no doubt that the Washington, in fishing ten miles from the shore, violated no stipulations of the treaty.

It was urged, on behalf of the British Government, that by "coasts," "bays," &c., is understood an imaginary line drawn along the coast from headland to headland, and that the jurisdiction of Her Majesty extends three marine miles outside of this line; thus closing all the bays on the coast or shore, and that great body of water called the Bay of Fundy, against Americans and others, making the latter a British bay. This doctrine of the headlands is new, and has received a proper limit in the convention between France and Great Britain of 2d of August, 1839,* in which "it is agreed that the distance of three miles, fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries, shall, with respect to bays the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland."

The Bay of Fundy is from 65 to 75 miles wide and 130 to 140 miles long; it has several bays on its coast; thus the word "bay," as applied to this great body of water, has the same meaning as that applied to the Bay of Biscay, the Bay of Bengal, over which no nation can have the right to assume sovereignty. One of the headlands of the Bay of Fundy is in the United States, and ships bound to Passamaquoddy must sail through a large space of it. The islands of Grand Menan (British) and Little Menan (American) are situated nearly on a line from headland to headland. These islands, as represented in all geographies, are situated in the Atlantic Ocean. The conclusion is, therefore, in my mind, irresistible that the Bay of Fundy is not a British bay, nor a bay within the meaning of the word as used in the treaties of 1783 and 1818.

The owners of the Washington, or their legal representatives, are, therefore, entitled to compensation; and are hereby awarded, not the amount of their claim (which is excessive), but the sum of \$3,000, due on the 15th of January, 1855.

The intention of the framers of the Convention of 1818 appears from a letter of Mr. Richard Rush, one of its negotiators, to the Secretary of State, July 18, 1853, referring to that instrument: "In signing it, we believed that we retained the right of fishing in the sea, whether called a bay, gulf, or by whatever term designated, that washed any part of the coast of the British North American Provinces, with the simple exception that we did not come *within a marine league* of the shore. We inserted the clause of renunciation. The British plenipotentiaries did not desire it."

The conclusion of the Reciprocity Treaty, June 5, 1854, rendered controversy of no importance, and disposed of all the other questions, for the time being. During the time when this treaty was in force, no complaints of any kind were made by the Canadians, who were fully satisfied that the benefits derived from the treaty were far more valuable than any loss they received from the using of their inshore fisheries by the Americans. The United States, however, perceiving that the value of the fisheries did not equal the loss of revenue from the duties on Canadian goods imported into the United States; and that the Canadian fishermen, by their nearness to the fishing grounds and the cheapness of labor and materials for building boats in the provinces, rendered unprofitable the prosecution of the fisheries by the Americans, gave notice, March 17, 1865, to abrogate the treaty in one year from the time of the notice.

April 12, 1866, the following instructions for the guidance of the naval officers on the coast of the North American Provinces were sent

* This convention between France and Great Britain extended the headland doctrine to bays ten miles wide; thus going beyond the general rule of international law, according to which no bays are treated as within the territorial jurisdiction of a State which are more than six miles wide on a straight line measured from one headland to the other.

from the Secretary of State for the Colonies to the Lords of the Admiralty :

Even before the conclusions of the Reciprocity Treaty, Her Majesty's Government had consented to forego the exercise of its strict right to exclude American fishermen from the Bay of Fundy; and they are of opinion that, during the present season, that right should not be exercised in the body of the Bay of Fundy; and that American fishermen should not be interfered with, either by notice or otherwise, unless they are found within three miles of the shore, or within three miles of a line drawn across the mouth of a bay or creek which is less than ten geographical miles in width, in conformity with the arrangement made with France in 1839.

Her Majesty's Government do not desire that the prohibition to enter British bay should be generally insisted upon, except when there is reason to apprehend some substantial invasion of British rights. And, in particular, they do not desire American vessels to be prevented from navigating the Gut of Canso, from which Her Majesty's Government are advised they may lawfully be excluded, unless it shall appear that this permission is used to the injury of the colonial fishermen or for other improper objects.

The Canadian Government then resorted to the system of issuing licenses permitting American fishermen to fish in the inshore fisheries. The number of licenses taken out the first year, 1866, was 354, at fifty cents per ton. The license fee for the next year was one dollar per ton; and the number of licenses diminished to 281. In 1868 the license fee was raised to two dollars per ton, and only 56 licenses were taken out. In 1869, only 25 licenses were taken out.

In 1870, the Canadian Government having decided to issue no more licenses to foreign fishermen, the following correspondence ensued between the two governments:

Mr. Fish to Mr. Thornton, April 1, 1870.

Information has reached this department to the effect that it was announced, on behalf of the Canadian minister, in the Parliament of the Dominion of Canada, on the 9th ultimo, that it was the intention of the government to issue no more licenses to foreign fishermen, and that they were taking every step possible to protect their fisheries.

Mr. Thornton to Mr. Fish, April 2, 1870.

In reply to your note of yesterday's date, I have the honor to inform you that, although I am aware of the announcement recently made by the Canadian Government of their intention to issue no more licenses to foreign fishermen, I have received no official information to that effect from the governor-general of Canada.

Mr. Fish to Mr. Thornton, April 21, 1870.

I have the honor to acknowledge the receipt of your note of the 14th instant. I must invite your attention, and that of Her Majesty's authorities, to the first paragraph of the order in council of the 8th of January last, as quoted in the memorandum of the prime minister of the Dominion of Canada, accompanying the dispatch of his excellency the governor-general; which paragraph is in the following language, to wit: "That the system of granting fishing license to foreign vessels, under the act 31 Vict., c. 61, be discontinued, and that henceforth all foreign fishermen be prevented from fishing in the waters of Canada." The words underscored seem to contemplate an interference with the rights granted to the United States under the first article of the treaty of 1818, which secures to American fishermen the right of fishing in certain waters which are understood to be claimed at present as belonging to Canada.

Mr. Thornton to Mr. Fish, April 22, 1870.

I am forwarding a copy of your note to the governor-general of Canada; but, in the mean time, I beg you will allow me to express my conviction that there was not the slightest intention in issuing the above-mentioned order to abridge citizens of the United States of any of the rights to which they are entitled by the treaty of October 20, 1818, and which are tacitly acknowledged in the Canadian law of May 22, 1868, a copy of which I had the honor to forward to you in my note of the 14th instant.

Mr. Thornton to Mr. Fish, May 26, 1870.

I have the honor to inclose, for the information of the Government of the United States, copies of letters which have been addressed by the admiralty to Vice-Admiral George G. Wellesey, commanding Her Majesty's naval forces on the North American and West Indies station, and of a letter from the colonial department to the foreign office, from which you will see the nature of the instructions to be given to Her Majesty's and the Canadian officers, who will be employed in maintaining order at the fisheries in the neighborhood of the coasts of Canada.

Mr. Rogers to the secretary of the admiralty, April 30, 1870.

In Mr. Secretary Cardwell's letter to the Lords Commissioners of the Admiralty, of the 12th of April, 1866, it was stated that American vessels should not be seized for violating the Canadian fishing laws, "except after wilful and persevering neglect of the warnings which they may have received; and, in case it should become necessary to proceed to forfeiture, cases should, if possible, be selected for that extreme step in which the offense has been committed within three miles of the land."

The Canadian Government has recently determined, with the concurrence of Her Majesty's ministers, to increase the stringency of the existing practice of dispensing with the warnings hitherto given, and seizing at once any vessel detected in violating the law.

In view of this change, and of the questions to which it may give rise, I am directed by Lord Granville to request that you will move their lordships to instruct the officers of Her Majesty's ships employed in the protection of the fisheries, that they are not to seize any vessel, unless it is evident and can be clearly proved that the offense of fishing has been committed, and the vessel itself captured within three miles of land.

May 14, 1870, the following instructions as to the jurisdiction were given by Mr. Peter Mitchell, Minister of Marine and Fisheries, to the officer in command of the government vessels engaged in the protection of the fisheries:

The limits within which you will, if necessary, exercise the power to exclude United States fishermen, or to detain American fishing vessels or boats, are for the present to be exceptional. Difficulties have arisen in former times with respect to the question, whether the exclusive limits should be measured on lines drawn parallel everywhere to the coast, and describing its sinuosities, or on lines produced from headland to headland across the entrances of bays, creeks, or harbors. Her Majesty's Government are clearly of opinion, that, by the Convention of 1818, the United States have renounced the right of fishing, not only within three miles of the colonial shores, but within three miles of a line drawn across the mouth of any British bay or creek. It is, however, the wish of Her Majesty's Government neither to concede, nor for the present to enforce, any rights in this respect which are in their nature open to any serious question. Until further instructed, therefore, you will not interfere with any American fishermen, unless found within three miles of the shore, *or within three miles of a line drawn across the mouth of a bay or creek which is less than ten geographical miles in width.* In the case of any other bay—as the Bay of Chaleurs, for example—you will not admit any United States fishing vessel or boat, or any American fishermen, inside of a line drawn across at that part of such bay *where its width does not exceed ten miles.* (Sessional Papers, No. 12, 1871.)

This reassertion of the headland doctrine did not seem to meet the approval of the home government. June 6, 1870, Lord Granville telegraphs to the governor-general, "Her Majesty's Government hopes that the United States fishermen will not be for the present prevented from fishing, except within three miles of land, or in bays which are less than six miles broad at the mouth."

In consequence of this telegram, on June 27, 1870, Mr. Mitchell gives to the commanders of the government vessels new instructions, as follows:

The limits within which you will, if necessary, exercise the power to exclude United States fishermen, or to detain American fishing vessels or boats, are, for the present, to be exceptional. Difficulties have arisen in former times with respect to the question whether the exclusive limits should be measured on lines drawn parallel everywhere to the coast and describing its sinuosities, or on lines produced from headland to head-

and across the entrances of bays, creeks, or harbors. Her Majesty is clearly of opinion that, by the Convention of 1818, the United States have the right of fishing, not only within three miles of the colonial shore, but also of a line drawn across the mouth of any British bay or creek, the width of which is less than six miles. Her Majesty's Government neither to concede, nor to oppose, any rights in this respect which are in their nature open to us. Until further instructed, therefore, you will not interfere with any American fishing vessel, unless found within three miles of the shore, or within three miles across the mouth of a bay or creek which, though in parts more than six miles, is less than six geographical miles in width at its mouth. In the case of any bay, for example—you will not interfere with any United States boat, or any American fishermen, unless they are found within the

The true doctrine on the subject is laid down by the Government of Great Britain in a "Memorandum from the Foreign Office to the Admiralty on the subject of the right of exclusive coast of British North America." (Sessional Papers 7 to 10, 1871.)

The right of Great Britain to exclude American fishermen from the waters within three miles of the coast is unambiguous, and, it is believed, uncontested. There can be some doubt what are the waters described as within three miles of the coast. When a bay is less than six miles broad, its waters are within the three miles' limit, and therefore clearly within the meaning of the treaty. Where the breadth is more than six miles, the question arises whether it is a bay of Her Majesty's dominions. This is a question which has to be considered in each case, according to international law and usage. When such a bay, &c., is within three miles of the coast of Her Majesty's dominions, the American fishermen will be entitled to fish within three miles of the "coast"; when it is a bay of Her Majesty's dominions, they are entitled to fish within three miles of it, that is to say, it is the waters within three miles of a line drawn from headland to headland.

The foregoing statement is accepted as an accurate definition of the rights of the two governments under the Convention of 1818. *The question is, What are bays of Her Majesty's dominions?*

On this subject we will examine the authorities.

The latest and most authoritative exposition of the law as to what are territorial waters, and as to the extent of the right of fishing, beyond low-water mark, will be found in the *Queen v. Keyn*, L. R., 2 Exch. Div., 63.)

The opinions of the different judges are a repertory of learning, ancient and modern, English, American, and French, which could be collected from treatises and reports.

The question did not relate to headlands, but was whether the jurisdiction of England extended to a crime committed on a foreign vessel within three miles of the English coast.

The case is remarkable for the unanimous and emphatic opinion of all the judges, of former English claims of jurisdiction over portions of the sea. All of the opinions should be read by whoever desires to master the subject.

A few citations are subjoined. Sir Robert Phillimore

Whatever may have been the claims asserted by nations in times of war, no nation has been more extravagant than England in this matter. At no time an unquestionable proposition of international jurisprudence, that the seas are of right navigable by the ships of all states.

The question as to dominion over portions of the seas enclosed by contiguous shores, such as the King's Chambers, is not now under consideration. It is enough to say that within this term "territory" are certainly excluded harbors, and the space between the flux and reflux of tide, or the nearest point at which the tide recedes.

With respect to the second question, the distance to which the right of fishing extends, it appears, on an examination of the authorities, that the

(setting aside even more extravagant claims) from one hundred to three miles, the present limit. * * *

The sound conclusions which result from the investigations of the authorities which have been referred to appear to me to be these:

The consensus of civilized independent states has recognized a maritime extension of frontier to the distance of three miles from low-water mark, because such a frontier or belt of water is necessary for the defense and security of the adjacent state.

It is for the attainment of these particular objects that a dominion has been granted over this portion of the high seas.

Lindley, J., expressed himself as follows:

The controversy between Grotius, in his "*Mare Liberum*," and Selden, in his "*Mare Clausum*," has been observed upon by almost every writer on international law since their day; and the result has been that, while the extravagant propositions contended for by each of these celebrated men have been long ago exploded, it appears to me to be now agreed, by the most esteemed writers on international law, that, subject to the right of all ships freely to navigate the high seas, every state has full power to enact and enforce what laws it thinks proper, for the preservation of peace and the protection of its own interests, over those parts of the high seas which adjoin its own coasts and are within three miles thereof; but that beyond this limit, or, at all events, beyond the reach of artillery on its own coasts, no state has any power to legislate, save over subjects and over persons on board ships carrying its flag.

It is conceded that even in time of peace the territoriality of a foreign merchant ship, within three miles of the coast of any state, does not exempt that ship or its crew from the operation of those laws of that state which relate to its revenue or fisheries.

Grove, J.:

The proposition that a belt or zone of three miles of sea surrounding or washing the shores of a nation, what is termed "territorial water," is the property of that nation, as a river flowing through its land would be, or, if not property, is subject to its jurisdiction and law, is not in its terms of ancient date; but this defined limit, so far, at least, as a maritime country like England is concerned, is rather a restriction than an enlargement of its earlier claims, which were at one time sought to be extended to a general dominion on the sea, and subsequently over the channels between it and other countries, or, as they were termed, "the narrow seas." The origin of the three-mile zone appears undoubted. It was an assumed limit to the range of cannon, an assumed distance at which a nation was supposed able to exercise dominion from the shore.

The principal authorities may be conveniently arranged as follows:

1. Those who affirm the right, in what are generally termed "territorial waters," to extend at least to the distance at which it can be commanded from the shore, or as far as arms can protect it.

2. Those who, assigning the same origin to the right, recognized it as being fixed at a marine league, or three geographical miles, from the shore.

3. Those who affirm the right to be absolute and the same as over an inland lake, or (allowing for the difference of the subject-matter) as over the land itself.

4. Those who regard the right as qualified.

And the main, if not only, qualification that seems to me fairly deducible from the authorities is, that there is a right of transit or passage, and, as incident thereto, possibly a right of anchorage, when safety or convenience of navigation requires it, in the territorial waters, for foreign ships.

Puffendorf, Bynkershoek, Casaregis, Mozer, Azuni, Klüber, Wheaton, Hautefeuille, and Kaltenborn, though not all placing the limit of territorial jurisdiction at the same distance from the shore, none of them fix it at a smaller distance than a cannon-shot, or as far off as arms can command it. They also give no qualification to the jurisdiction, but seem to regard it as if (having regard to the difference of land and water) it were an absolute territorial possession. Chancellor Kent seems also to recognize an exclusive dominion. Hautefeuille speaks of the power of a nation to exclude others from the parts of the sea which wash its territory, and to punish them for infraction of its laws, and this as if it were dealing with its land dominion.

Wheaton, Calvo, Halleck, Massey, Bishop, and Manning give the limit as a marine league, or three miles. Heffter mentions this limit, but says it may be extended. Ortolan, Calvo, and Massé put the right as one of jurisdiction, and not of property, but do not limit it further than that the former writer says that the laws of police and surety are there obligatory, and Massé also writes of police jurisdiction. Bluntschli says the territorial waters are subject to the military and police authorities of the place. Faustin Hélie speaks of crimes in these waters coming within the jurisdiction of the tribunals of the land to which they belong. Unless these words, "military, police, and surety," be taken to impose a limit, no limit to the jurisdiction of a country over its territorial waters, beyond a right of passage for foreign ships, is mentioned, as far as I could gather from the numerous authorities cited, except by Mr. Manning, who

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(though not by words expressly negating other rights) to fisheries, canals, light-houses, dues, and protection of territory during war. Grotius, Bynkershoek, Schmalz, and Massé consider there is a right of peaceable passage of other nations; and Vattel says that it is the duty of nations to permit some to think that, as a matter of absolute right, they may prohibit it.

The conclusions of the principal publicists, most of whom are of very high authority in questions of international law.

It is of them to show that, as in the case of many other rights, a territorial right over a neighboring belt of sea had its origin in might, its limits being at first doubtful and contested; but ultimately, by a concession or comity of nations, fixed at what was for a long time the supposed range of a cannon-shot, viz., three miles distance.

According to the authority of the publicists, this three-mile range, if not expressly fixed as an absolute boundary by international law, is yet fixed on, apparently without dispute, in acts of Parliament, in treaties, and in judgments of courts of law in Europe and America.

J., uses the following language:

"As to the limits of the realm should, in general, be declared by Parliament. Its declaration would be conclusive, either as authority or evidence. But, in this case there is no such declaration; and the question is in this case necessarily to be determined on other evidence or authority. Such evidence consisted of proof of a continuous public claim by the crown of England, when practicable, by arms, but not consented to by other nations. I should have considered such proof sufficient for English judges. In England, it cannot be denied that the limits of England depend on the consent of any other nation. No evidence was offered. The only evidence suggested in this case is, that by long custom every country bordered by the sea is to be held to have, as part of its territory, a territory in which its law is paramount and exclusive, viz., three miles of open sea next to its coast; and, therefore, that England, among other countries, has such territory. The question on both sides has been made to depend on which is or is not proved to be the law of nations.

I must, therefore, think, that substantially all the foreign jurists are in accord; that, by the common consent of all nations, each which is bordered by the sea, has over three adjacent miles of it a territorial right. And the sense in which the term *territorial* seems to me to be fully explained by Vattel (lib. i, c. 18, § 295):

"une nation s'empare d'un pays qui n'appartient encore à personne, elle coupe l'empire, ou la souveraineté, en même temps que le domaine. Tout pays auquel une nation étend son empire forme le ressort de sa juridiction, et son territoire." At lib. ii, § 84: "L'empire, uni au domaine, établit la juridiction de la nation dans le pays qui lui appartient, dans son territoire."

It is plain; sovereignty and dominion necessarily give or import jurisdiction throughout the territory.

As to this to the territorial sea, at lib. i, c. 23, § 295, he says:

"une nation s'empare de certaines parties de la mer, elle y occupe l'empire, que le domaine, &c. Ces parties de la mer sont de la juridiction du territoire de la nation. Le souverain y commande; il y donne des lois, et peut reprendre la violence; en un mot il y a tous les mêmes droits qui lui appartiennent sur le territoire."

It seems to me that this is, in reality, a fair representation of the accord or agreement of substantially all the foreign writers on international law; and that they are asserting that, by the consent of all nations, each which is bordered by the sea, has right over such adjacent sea as a territorial sea; that is to say, as a part of its territory; and that they all mean thereby to assert that it follows, as a consequence, being a part of its territory, that each such nation has, in general, the right to legislate and to enforce its legislation over that part of the sea as it has over its territory.

Among the authorities I have cited, the terms used by them, wholly inconsistent with the idea that the adjacent country has no property, no sovereignty, no territorial right, and considering the necessary foundation of the rights and duties of the adjacent country, as to neutrality, which has been made to depend on a right and duty as to its territory, I am of opinion that it is proved that by the laws of nations, made by the tacit consent of substantially all nations, the open sea within three miles of the coast is a part of the adjacent nation's territory as completely as if it were land and a part of the territory of such nation. The evidence which proves this proposition, it is equally proved that every nation which possesses this water territory has agreed with all other nations that it has the right of free navigation to pass through such water territory, if such passage be with an innocent or harmless intent or purpose. The right of free

navigation cannot, according to ordinary principles, be withdrawn without common consent; but it by no means derogates from the sovereign authority over all its territory of the state which has agreed to grant this liberty or easement or right to all the world.

Lord Chief Justice Cockburn delivered the judgment of the court, from which the following passages are extracted:

By the old common law of England every offense was triable in the county only in which it had been committed, as from that county alone the "pais," as it was termed, in other words, the jurors by whom the fact was to be ascertained, could come. But only so much of the land of the outer coast as was uncovered by the sea was held to be within the body of the adjoining county. If an offense was committed in a bay, gulf, or estuary, *inter fauces terræ*, the common law could deal with it, because the parts of the sea so circumstanced were held to be within the body of the adjacent county or counties; but, along the coast, on the external sea, the jurisdiction of the common law extended no further than to low-water mark.

The jurisdiction of the admiral, however largely asserted in theory in ancient times, being abandoned as untenable, it becomes necessary for the counsel for the Crown to have recourse to a doctrine of comparatively modern growth, namely, that a belt of sea, to a distance of three miles from the coast, though so far a portion of the high seas as to be still within the jurisdiction of the admiral, is part of the territory of the realm, so as to make a foreigner in a foreign ship, within such belt, though on a voyage to a foreign port, subject to our law, which it is clear he would not be on the high sea beyond such limit. It is necessary to keep the old assertion of jurisdiction and that of to-day essentially distinct; and it should be borne in mind that it is because all proof of the actual exercise of any jurisdiction by the admiral over foreigners in the narrow seas totally fails that it becomes necessary to give to the three-mile zone the character of territory, in order to make good the assertion of jurisdiction over the foreigner therein.

Now, it may be asserted without fear of contradiction, that the position that the sea within the belt or zone of three miles from the shore, as distinguished from the rest of the open sea, forms part of the realm or territory of the Crown, is a doctrine unknown to the ancient law of England, and which has never yet received the sanction of an English criminal court of justice. It is true that from an early period the kings of England, possessing more ships than their opposite neighbors, and being thence able to sweep the channel, asserted the right of sovereignty over the narrow seas, as appears from the commissions issued in the fourteenth century, of which examples are given in the 4th Institute, in the chapter on the court of admiralty, and others are to be found in Selden's "Mare Clausum," book 2. At a later period still more extravagant pretensions were advanced. Selden does not scruple to assert the sovereignty of the King of England over the sea as far as the shores of Norway; in which he is upheld by Lord Hale in his treatise "De Jure Maris." (Hargrave's Law Tracts, p. 10.)

All these vain and extravagant pretensions have long since given way to the influence of reason and common sense. If, indeed, the sovereignty thus asserted had a real existence, and could now be maintained, it would of course, independently of any questions as to the three-mile zone, be conclusive of the present case. But the claim to such sovereignty, at all times unfounded, has long since been abandoned. No one would now dream of asserting that the sovereign of these realms has any greater right over the surrounding seas than the sovereigns on the opposite shores; or that it is the especial duty and privilege of the Queen of Great Britain to keep the peace in these seas; or that the Court of Admiralty could try a foreigner for an offense committed in a foreign vessel in all parts of the channel.

The consensus of jurists, which has been so much insisted on as authority, is perfectly unanimous as to the non-existence of any such jurisdiction. Indeed, it is because this claim of sovereignty is admitted to be untenable that it has been found necessary to resort to the theory of the three-mile zone. It is in vain, therefore, that the ancient assertion of sovereignty over the narrow seas is invoked to give countenance to the rule now sought to be established, of jurisdiction over the three-mile zone. If this rule is to prevail, it must be on altogether different grounds. To invoke as its foundation or in its support an assertion of sovereignty, which, for all practical purposes, is, and always has been, idle and unfounded, and the invalidity of which renders it necessary to have recourse to the new doctrine, involves an inconsistency on which it would be superfluous to dwell. I must confess myself unable to comprehend how, when the ancient doctrine as to sovereignty over the narrow seas is adduced, its operation can be confined to the three-mile zone. If the argument is good for anything, it must apply to the whole of the surrounding seas. But the counsel for the Crown evidently shrank from applying it to this extent. Such a pretension would not be admitted or endured by foreign nations. That it is out of this extravagant assertion of sovereignty that the doctrine of the three-mile jurisdiction, asserted on the part of the Crown, and which, the older claim being necessarily abandoned, we are now called upon to consider, has sprung up, I readily admit.

From the review of these authorities, we arrive at the following results. There can be no doubt that the suggestion of Bynkershoek, that the sea surrounding the coast to the extent of cannon-range should be treated as belonging to the state owning the coast, has, with but very few exceptions, been accepted and adopted by the nations who have followed him during the last two centuries. But it is equally certain that in the practical application of the rule in respect of the particular of distance, and in the still more essential particular of the character and degree of sovereignty or dominion to be exercised, great differences of opinion and uncertainty have prevailed, and still continue to exist.

As regards distance, while the majority of authors have adhered to the three-mile zone, others, like M. Ortolan and Mr. Hallenk, applying with greater consistency the principle on which the whole doctrine rests, insist on extending the distance to the modern range of cannon—in other words doubling it. This difference of opinion is of little practical importance in the present instance, inasmuch as the place at which the offense occurred was within the lesser distance; but it is, nevertheless, immaterial, as showing how unsettled this doctrine still is. The question of sovereignty, on the other hand, is all-important. And here we have every shade of opinion.

One set of writers, as, for instance, M. Hautefeuille, ascribe to the state territorial property and sovereignty over the three miles of sea, to the extent of the right of excluding the ships of all other nations, even for the purpose of passage; a doctrine flowing immediately from the principle of territorial property, but which is too strenuous to be admitted. Another set concede territorial property and sovereignty, but make it subject to the right of other nations to use these waters for the purpose of navigation. Others again, like M. Ortolan and M. Calvo, deny any right of territorial property, but concede "jurisdiction"; by which I understand them to mean the power of applying the law, applicable to persons on the land, to all who are within territorial water, and the power of legislating in respect of it, as as to bind every one who comes within the jurisdiction, whether subjects or foreigners. Some, like Ortolan, would confine this jurisdiction to purposes of "safety and police"; by which I should be disposed to understand measures for the protection of the territory, and for the regulation of the navigation and the use of harbors and roadsteads, and the maintenance of order among the shipping thereto, rather than the general application of the criminal law.

Other authors—for instance, Mr. Manning—would restrict the jurisdiction to certain specified purposes in which the local state has an immediate interest; namely, protection of its revenues and fisheries, the exacting of harbor and light dues, and protection of its coasts in time of war.

Some of these authors—for instance, Professor Bluntschli—make a most important distinction between a commorant and a passing ship. According to this author, if the commorant ship is liable to the local jurisdiction only in matters of "military and police regulations made for the safety of the territory and population of the country." None of these writers, it should be noted, discuss the question whether, or go the length of asserting that, a foreigner in a foreign ship, using the waters in question for the purpose of navigation solely, on its way to another country, is liable to the criminal law of the adjoining country for an offense committed on board.

To those who assert that, to the extent of three miles from the coast, the sea is part of the realm of England, the question may well be put, When did it become so? Was it so from the beginning? It certainly was not deemed to be so as to a three-mile zone, any more than as to the rest of the high seas, at the time the statutes of Richard II were passed. For in these statutes a clear distinction is made between the realm and the sea, as also between the bodies of counties and the sea; the jurisdiction of the admiral being (subject to the exception already stated as to murder and mayhem) confined strictly to the latter, and its exercise "within the realm" prohibited in the former. The language of the first of these statutes is especially remarkable: "The admiral and his deputies shall not meddle from henceforth with any thing done within the realm of England, but only with things done upon the sea."

It is impossible not to be struck by the distinction here taken between the realm of England and the sea; or, when the two statutes are taken together, not to see that the term "realm," used in the first statute, and "bodies of counties," the term used in the second statute, mean one and the same thing. In these statutes, the jurisdiction of the admiral is restricted to the high seas, and, in respect of murder and mayhem, to the great rivers below the bridges; while whatever is within the realm, in other words, within the body of a county, is left within the domain of the common law. But there is no distinction taken between one part of the high sea and another. The three-mile zone is no more dealt with as within the realm than the sea at large. The notion of a three-mile zone was in those days in the womb of time. When its origin is traced, it is found to be of comparatively modern growth.

For centuries before it was thought of, the great landmarks of our judicial system had been set fast; the jurisdiction of the common law over the land, and the jurisdiction over the waters contained within it, forming together the realm of England; that of

admiral over English vessels on the seas, the common property or highway of mankind.

But to what, after all, do these ancient authorities amount? Of what avail are they towards establishing that the soil in the three-mile zone is part of the territorial domain of the Crown? These assertions of sovereignty were manifestly based on the doctrine that the narrow seas are part of the realm of England. But that doctrine is now exploded. Who at this day would venture to affirm that the sovereignty thus asserted in those times now exists? What English lawyer is there who would not shrink from maintaining, what foreign jurist who would not deny, what foreign government which would not repel, such a pretension? I listened carefully to see whether any such assertion would be made; but none was made. No one has gone the length of suggesting, much less of openly asserting, that the jurisdiction still exists. It seems to me to follow, that, when the sovereignty and jurisdiction from which the property in the soil of the sea was inferred is gone, the territorial which was suggested to be consequent upon it must necessarily go with it.

But we are met here by a subtle and ingenious argument. It is said that, although the doctrine of the criminal jurisdiction of the admiral over foreigners on the four seas has died out and can no longer be upheld, yet, as now, by the consent of other nations, sovereignty over this territorial sea is conceded to us, the jurisdiction formerly asserted may be revived and made to attach to the newly-acquired domain. I am unable to adopt this reasoning. *Ex concessis*, the jurisdiction over foreigners in foreign ships never really existed; at all events, it has long been dead and buried; even the ghost of it has been laid. But it is evoked from its grave, and brought to life, for the purpose of applying it to a part of the sea which was included in the whole, as to which it is now practically admitted that it never existed. From the time the jurisdiction was asserted to the time when the pretension to it was dropped, it was asserted over this portion of the sea as part of the whole, to which the jurisdiction was said to extend. If it was bad as to the whole indiscriminately, it was bad as to every part of the whole. But why was it bad as to the whole? Simply because the jurisdiction did not extend to foreigners in foreign ships on the high seas. But the waters in question have always formed part of the high seas. They are alleged in this indictment to be so now. How, then, can the admiral have the jurisdiction over them contended for, if he had it not before? There having been no new statute conferring it, how has he acquired it?

First, then, let us see how the matter stands as regards treaties. It may be asserted, without fear of contradiction, that the rule that the sea surrounding the coast is to be treated as a part of the adjacent territory, so that the State shall have exclusive dominion over it, and that the law of the latter shall be generally applicable to those passing over it in the ships of other nations, has never been made the subject-matter of any treaty, or, as matter of acknowledged right, has formed the basis of any treaty, or has even been the subject of diplomatic discussion. It has been entirely the creation of the writers on international law. It is true that the writers who have been cited constantly refer to treaties in support of the doctrine they assert. But when the treaties they refer to are looked at, they will be found to relate to two subjects only—the observance of the rights and obligations of neutrality, and the exclusive right of fishing. In fixing the limits to which these rights should extend, nations have so far followed the writers on international law as to adopt the three-mile range as a convenient distance. There are several treaties by which nations have engaged, in the event of either of them being at war with a third, to treat the sea within three miles of each other's coasts as neutral territory, within which no warlike operations should be carried on, instances of which will be found in the various treaties on international law.

Again, nations possessing opposite or neighboring coasts, bordering on a common sea, have sometimes found it expedient to agree that the subjects of each shall exercise an exclusive right of fishing to a given distance from their own shores, and here, also, have accepted the three-mile as a convenient distance. Such, for instance, are the treaties made between this country and the United States in relation to the fishery off the coast of Newfoundland, and those between this country and France in relation to the fishery on their respective shores; and local laws have been passed to give effect to these engagements.

But in all these treaties this distance is adopted, not as a matter of existing right established by the general law of nations, but as matter of mutual concession and convention. Instead of upholding the doctrine contended for, the fact of these treaties having been entered into has rather the opposite tendency; for it is obvious that, if the territorial right of a nation bordering on the sea to this portion of the adjacent waters had been established by the common assent of nations, these treaty arrangements would have been wholly superfluous. Each nation would have been bound, independently of treaty engagement, to respect the neutrality of the other in these waters as much as in its inland waters. The foreigner invading the rights of the local fishermen would have been amenable, consistently with international law, to

al legislation prohibiting such infringement, without any stipulated treaty. For what object, then, have treaties been resorted to? In order to obviate all questions as to concurrent or conflicting rights among nations. Possibly, after these precedents and all that has been said, it may not be too much to say that, independently of treaty, it of sea might at this day be taken as belonging, for these purposes.

is much for treaties. Then how stands the matter as to usage, to be frequently made by the publicists in support of their doctrine?

is looked into, the only usage found to exist is such as is connected, or with revenue, local fisheries, or neutrality; and it is to these uses rolled on is confined.

It may well be, I say again, that, after all that has been said and done, after the instances which have been mentioned of the adoption of this doctrine, and the repeated assertion of this doctrine by the United States, a nation which should now deal with this portion of the sea as the foreigners within it subject to its law, for the prevention of piracy, would not be considered as infringing the rights of other nations; and that, as the ability so to deal with these waters would result from the acquiescence of other states in the manifestation of the national will, in the shape of open practice or treaty, so as to amount, at least constructively, to an occupation of the waters, no appropriation would be necessary to render the foreigners within subject to our general law subject to its control.

And this brings me to the second branch of the argument, namely the narrow seas having been asserted as to the narrow seas at the time the statute was taken to have been transferred by the statute. The answer is that, no reference being made in the statute to this now or sovereignty, we must read the statute as having transferred—as, we transfer—such jurisdiction only as actually existed. Jurists at the claim to exclusive dominion over the narrow seas, and even over foreigners for offenses committed thereon, was extravagant and the doctrine of the three-mile jurisdiction has taken the place of it. In truth, though largely asserted in theory, the jurisdiction was only exercised in respect of foreigners.

Hitherto, legislation, so far as relates to foreigners in foreign ships, has been confined to the maintenance of neutral rights and prevention of breaches of the revenue and fishery laws, and, under powers, to cases of collision. In the two first, the legislation is altogether within the three-mile distance, being founded on a totally different principle of a State to take all necessary measures for the protection of its rights, and the prevention of any breach of its revenue laws.

Such are the general principles of English law to-day as a Chief Justice of England. The jurisdiction of a state over its adjoining waters is limited to three miles from long its sea coast, and the same rule applies equally to bays whose width exceeds six miles from headland to headland, and dominion over the sea can only exist as to those portions in permanent possession; that is, of a possession from which a possession can only be maintained by artillery. At one mile from each of coast-guns there is no more possession than in mid-ocean; the rule laid down by almost all the writers on international law, from whom we extract to quote:

At present [says Vattel, Law of Nations, book 1, ch. xxiii, §§ 280-282] the sea within cannon-shot of the coast is considered as maritime territory; and, for that reason, a vessel taken under the guns of a fort is a good prize.

All we have said of the parts of the sea near the coast may be said and with much greater reason, of the roads, bays, and straits, as stilling occupied, and of greater importance to the safety of the country than the bays and straits of small extent, and not of those great parts of the names are sometimes given—as Hudson's Bay and the Straits which the empire cannot extend, and still less a right of property. Those may be defended may be possessed and rendered subject to the sign; and it is of importance that it should be so, since the country are easily insulted in such a place than on the coast, open to the violence of the waves.

Professor Bluntschli, in his Law of Nations (book 4, §§ 302, 309), states the rule in the same way:

When the frontier of a state is formed by the open sea, the part of the sea over which the state can from the shore make its power respected—i. e., a portion of the sea extending as far as a cannon-shot from the coast—is considered as belonging to the territory of that state. Treaties or agreements can establish other and more precise limits.

NOTE.—The extent practiced of this sovereignty has remarkably increased since the invention of far-shooting cannon. This is the consequence of the improvements made in the means of defense, of which the state makes use. The sovereignty of states over the sea extended originally only to a stone's throw from the coast; later, to an arrow's shot; fire-arms were invented, and by rapid progress we have arrived to the far-shooting cannon of the present age. But still we preserve the principle, "*Terræ dominium finitur, ubi finitur armorum vis.*"

Within certain limits, there are submitted to the sovereignty of the bordering state—

- (a) The portion of the sea placed within a cannon-shot of the shore.
- (b) Harbors.
- (c) Gulfs.
- (d) Roadsteads.

NOTE.—Certain portions of the sea are so nearly joined to the *terra firma* that, in some measure at least, they ought to form a part of the territory of the bordering state; they are considered as accessories to the *terra firma*. The safety of the state, and the public quiet, are so dependent on them that they cannot be contented, in certain gulfs, with the portion of the sea lying under the fire of cannon from the coast. These exceptions from the general rule of the liberty of the sea can only be made for weighty reasons, and when the extent of the arm of the sea is not large; thus, Hudson's Bay and the Gulf of Mexico evidently are a part of the open sea. No one disputes the power of England over the arm of the sea lying between the Isle of Wight and the English coast, which could not be admitted for the sea lying between England and Ireland; the English admiralty has, however, sometimes maintained the theory of "narrow seas", and has tried, but without success, to keep for its own interest, under the name of "King's chambers," some considerable extents of the sea.

Klüber (*Droit des Gens Modernes de l'Europe*, Paris, ed. 1831, vol. i, p. 216):

Au territoire maritime d'un état appartiennent les districts maritimes, ou parages susceptibles d'une possession exclusive, sur lesquels l'état a acquis (par occupation ou convention) et continué la souveraineté. Sont de ce nombre, (1) Les parties de l'océan qui avoisinent le territoire continental de l'état, du moins, d'après l'opinion presque généralement adoptée, autant qu'elles se trouvent sous la portée du canon qui serait placé sur le rivage; (2) les parties de l'océan qui s'étendent dans le territoire continental de l'état, si elles peuvent être gouvernées par le canon des deux bords, ou que l'entrée seulement en peut être défendue aux vaisseaux (golfs, baies, et cales); (3) les détroits qui separent deux continents, et qui également sont sous la portée du canon placé sur le rivage, ou dont l'entrée et la sortie peuvent être défendues (détroit, canal, bosphore, sond). Sont encore du même nombre, (4) les golfs, détroits, et mers avoisinant le territoire continental d'un état, lesquels, quoiqu'ils ne soient pas entièrement sous la portée du canon, sont néanmoins reconnus par d'autres puissances comme mer fermée; c'est-à-dire, comme soumis à une domination, et, par conséquent, inaccessibles aux vaisseaux étrangers qui n'ont point obtenu la permission d'y naviguer.

Ortolan, in his "*Diplomatie de la Mer*" (pp. 145, 153, ed. 1864), after laying down the rule that a nation had control over the navigation in a strait or road whose width did not exceed six miles, continues:

On doit ranger sur la même ligne que rades et les portes les golfs et les baies, et tous les enfoncements connus sous d'autres dénominations, lorsque ces enfoncements, formés par les terres d'un même état, ne dépassent pas en largeur la double portée du canon, ou lorsque l'entrée peut en être gouvernée par l'artillerie, ou qu'elle est défendue naturellement par des îles, par des bancs, ou par des roches. Dans tous ces cas, en effet, il est vrai de dire que ces golfs ou ces baies sont en la puissance de l'état maître du territoire qui les enserre. Cet état en a la possession: tous les raisonnements que nous avons fait à l'égard des rades et des ports peuvent se répéter ici. Les bords et rivages de la mer qui baigne les côtes d'un état sont les limites maritimes *naturelles* de cet état. Mais pour la protection pour la défense plus efficace de ces limites naturelles, la coutume générale des nations, d'accord avec beaucoup de traités publics, permet de tracer sur mer, à une distance convenable des côtes, et suivant leurs contours, une ligne imaginaire qui doit être considérée comme la frontière maritime artificielle. Tout bâtiment qui se trouve à terre de cette ligne est dit être *dans les eaux* de l'état dont elle limite le droit de souveraineté et de juridiction.

Hautefenille (Droits et Devoirs des Nations Neutres, tom. 1, tit. 1, l. 3, § 1):

La mer est libre d'une manière absolue, sauf les eaux baignant les côtes, qui font partie du domaine de la nation riveraine. Les causes de cette exception sont, (1) que ces portions de l'océan sont susceptibles d'une possession continue; (2) que le peuple qui les possède peut en exclure les autres; (3) qu'il a intérêt, soit pour sa sûreté, soit pour conserver les avantages qu'il tire de la mer territoriale, à prononcer cette exclusion. Ces causes connues, il est facile de poser les limites. Le domaine maritime s'arrête à l'endroit où cesse la possession continue, où le peuple propriétaire ne peut plus exercer sa puissance, à l'endroit où il ne peut plus exclure les étrangers, fin à l'endroit où, leur présence n'étant plus dangereuse pour sa sûreté, il n'a plus intérêt de les exclure.

Or, le point où cessent les trois causes qui rendent la mer susceptible de possession est le même: c'est la limite de la puissance, qui est représentée par les machines de guerre. Tout l'espace parcouru par les projectiles lancés du rivage, protégé et défendu par la puissance, de ces machines, est territorial, et soumis au domaine du maître de la côte. La plus grande portée du canon monté à terre est donc réellement la limite de la mer territoriale.

En effet, cet espace seul est réellement soumis à la puissance du souverain territorial, là, mais là seulement, il peut faire respecter et exécuter ses lois; il a la puissance de punir les infracteurs, d'exclure ceux qu'il ne peut pas admettre. Dans cette limite, la présence de vaisseaux étrangers veut menacer sa sûreté; au delà, elle est indifférente pour lui, elle ne peut lui causer aucune inquiétude, car, au delà de la portée du canon, ils ne peuvent lui nuire. La limite de la mer territoriale est réellement, d'après le droit primitif, la portée d'un canon placé à terre.

Le droit secondaire a sanctionné cette disposition; la plupart des traités qui ont été faits de cette portion de la mer ont adopté la même règle. Grotius, Hubner, Bynkershoek, Vattel, Galiani, Azuni, Klüber, et presque tous les publicistes modernes les plus justement estimés, ont pris la portée du canon comme la seule limite de la mer territoriale qui fut rationnelle et conforme aux prescriptions du droit primitif. Cette limite territoriale a été reconnue par un grand nombre de peuples, dans les lois et règlements intérieurs.

Les côtes de la mer ne présentent pas une ligne droite et régulière; elles sont, au contraire, presque toujours coupées de baies, de caps, etc.; si le domaine maritime devait toujours être mesuré de chacun des points du rivage, il en résulterait des graves inconvénients. Aussi, est-on convenu, dans l'usage de tirer une ligne fictive d'un point à l'autre, et de prendre cette ligne pour point de départ de la portée du canon. Ce mode, adopté par presque tous les peuples, ne s'applique qu'aux petites baies, et aux golfes d'une grande étendue, comme le golfe de Gascogne, comme celui de Lys, et sont en réalité de grandes parties de mer complètement ouvertes, et dont il est impossible de nier l'assimilation complète avec la haute mer.

The latest English writer, Mr. Amos, in his edition of Manning's Law of Nations, which is praised and quoted with approval by Lord Cockburn in *Queen v. Keyn*, extends the jurisdiction of a state to the waters of bays whose width is more than six miles and less than ten:

An obvious right, enjoyed by every state equally, is the claim to have an equal share in the enjoyment of such things as are in their nature common to all, whether from not being susceptible of appropriation, or from not having been as yet, in fact, appropriated. Such a thing, pre-eminently, is the open sea, whether treated for purposes of navigation or fishing. * * * Nevertheless, for some limited purposes, a special right of jurisdiction, and even (for a few definite purposes) of dominion, is conceded to a state in respect of the part of the ocean immediately adjoining its own coast line. The purposes for which this jurisdiction and dominion have been recognized are, (1) the regulation of fisheries; (2) the prevention of frauds on customs laws; (3) the exaction of harbor and light-house dues; and (4) the protection of the territory from violation in time of war between other states. The distance from the coast line to which this qualified privilege extends has been variously measured; the most prevalent distances being that of a cannon-shot, or of a marine league from the shore. * * * In the case of bays, harbors, and creeks, it is a well-recognized custom, provided the opening is not more than ten miles in width as measured from headland to headland, to take a line joining the headlands, and to measure from that the length of the distance of a cannon-shot, or of a marine league. The limiting provision here introduced was rendered necessary by the great width of some of the American bays, such as the Bay of Fundy and Hudson's Bay, in respect of which questions relating especially to rights of fishing had arisen. At one time, indeed, the distance of six miles, in place of that of three miles, was contended for. It is held that, in the case of straits or narrow seas less than six miles in breadth, the general jurisdiction and control is equally shared by all

the states the territories of which form the coast lines; and that all the states are held bound, in times of peace at any rate, to allow a free passage at all times to the ships of war of all other states.

Martens, "Précis du Droit des Gens Modernes de l'Europe" (Pinheiro-Ferreira, ed. Paris, 1864), §§ 40, 41:

Ce qui vient d'être dit des rivières et des lacs est également applicable aux détroits de mer et aux golfes, surtout, en tant que ceux-ci ne passent pas la largeur ordinaire des rivières, ou la double portée du canon.

De même une nation peut s'attribuer un droit exclusif sur ces parties voisines de la mer (*mare proximum*) susceptibles d'être maintenues du rivage. On a énoncé diverses opinions sur la distance à laquelle s'étendent les droits du maître du rivage. Aujourd'hui toutes les nations de l'Europe conviennent que, dans la règle, les détroits, les golfes, la mer voisine, appartiennent au maître du rivage, pour le moins jusqu'à la portée du canon qui pourrait être placé sur le rivage.

On verra ci-après que le pleine mer ne peut devenir l'objet d'une propriété plus ou moins exclusive, d'une part parce que son usage est inépuisable et innocent en lui-même, d'autre part parce que, n'étant pas de nature à être occupée, personne ne peut s'opposer à son usage; mais de ce que la mer n'est susceptible de l'appropriation de l'homme, par suite de l'impossibilité pour lui de la rétenir sous son obéissance, et d'en exclure les autres hommes; et aussi, à raison de son immensité et de sa qualité d'être inépuisable, il résulte que pour les parties de l'océan qui ne réunissent pas ces conditions, pour celles qui par leur nature peuvent subir la domination de l'homme et l'exclusion des autres, pour celles, enfin, dont l'usage commun ne saurait être maintenu sans nuire à la nation intéressée, et qui sont susceptibles de propriété, le principe de la liberté s'efface et disparaît. Cela a lieu notamment pour les mers territoriales et pour les mers fermées. Par l'expression de "mers territoriales," il faut entendre celles qui baignent les côtes d'une nation et la servent pour ainsi dire de frontière. Ces mers sont soumises à la nation maîtresse de la côte qu'elles baignent, et peuvent être réduites sous la puissance de la nation propriétaire qui a dès lors le droit d'en exclure les autres. La possession est soutenue, entière, de même que s'il s'agissait d'un fleuve, d'un lac, ou d'une partie de territoire continental. Aussi tous les traités reconnaissent aux nations dans un intérêt de navigation, de pêche, et aussi de défense, le droit d'imposer leur lois dans les mers territoriales qui les bordent, de même que tous les publicistes s'accordent pour attribuer la propriété de la mer territoriale à la nation riveraine. Mais où s'est longtemps demandé quelle était l'étendue de cette partie privilégiée de la mer. Les anciens auteurs portaient très-loin les limites du territoire maritimes, les uns à soixante milles, c'était l'opinion générale au quatorzième siècle; les autres à cent milles. Loccenius, *de Jur. Marit.*, lib. v. cap. iv. § 6. parle de deux journées de chemin; Valin, dans son *Commentaire sur l'Ordonnance de 1681*, propose la sonde, la portée du canon, ou une distance de deux lieues.

D'autres auteurs ont pensé que l'étendue de la mer territoriale ne pouvait être réglée d'une manière uniforme, mais devait être proportionnée à l'importance de la nation riveraine. Au milieu de ces opinions contradictoires il faut, suivant Hautefeuille, "*Droits et Devoirs des Nations Neutres*," 2d edit. t. i. p. 83 et suiv., pour fixer ces principes, remonter aux causes qui ont fait excepter de la règle de la liberté des mers, les eaux baignent les côtes, et qui les ont fait ranger dans la domaine de la nation riveraine. Ces causes étant que ces portions de la mer sont susceptibles d'une possession continue; que le peuple qui les possède peut en exclure les autres; enfin, qu'il a intérêt à prononcer cette exclusion, soit pour sa sécurité, soit à raison des avantages que lui procure la mer territoriale, le domaine maritime doit cesser là où cesse la possession continue, là où cessent d'atteindre les machines de guerres. En d'autres termes, la plus grande portée du canon placé à terre est la limite de la mer territoriale—*terra potest finitur, ubi finitur armorum vis*; et nous devons ajouter que la plupart des traités ont adopté cette règle; beaucoup de peuples l'ont reconnue dans leur lois et leur règlements intérieurs; presque tous les publicistes l'ont regardée comme rationnelle,—notamment Grotius, Hubner, Bynkershoek, Vattel, Galiani, Azuni, Klüber.

Au reste, le domaine maritime ne se mesure pas de chacun des points du rivage. On tire habituellement une ligne fictive d'un promontoire à l'autre, et on la prend comme point de départ de la portée du canon; cela se pratique ainsi pour les petites baies, les golfes d'une grande étendue étant assimilés à la pleine mer. La conservation du domaine de la mer territoriale par la nation riveraine, n'est pas subordonnée à l'établissement et à l'entretien d'ouvrage permanents, tels que batteries ou forts: la souveraineté de la mer territoriale n'est pas plus subordonnée à son mode d'exercice que la souveraineté du territoire même.

Ajoutons un mot sur les mers fermées ou intérieures, qui sont les golfes, rades, baies, ou parties du mer qui ne communiquent à l'océan que par un détroit assez resserré pour être réputées faire partie du domaine maritime de l'état maître des côtes. La qualité de mer fermée est subordonnée à une double condition: il faut d'une part qu'il soit impossible de pénétrer dans cette mer sans traverser la mer territoriale de l'état

et sans exposer à son canon; d'autre part, il faut que toutes les côtes soient soumises à la nation maîtresse du détroit.

Mais une nation ne peut-elle acquérir un droit exclusif sur des fleuves, des détroits, des golfes trop larges pour être convertis par les canons du rivage, ou sur les parties d'une mer adjacente qui passent la portée du canon, ou même la distance de trois lieues? Nul doute d'abord qu'un tel droit exclusif ne puisse être acquis contre une nation individuelle qui consent à le reconnaître. Cependant il semble même que ce consentement ne soit pas un réquisit essentiel pour une telle acquisition, en tant que le maître du rivage se voit en état de le maintenir à l'aide du local, ou d'une flotte, et que la sûreté de ses possessions territoriales offre une raison justificative pour l'exclusion des nations étrangères. Si de telles parties de la mer sont susceptibles de domination, c'est une question de fait de savoir lesquels de ces détroits, golfes, ou mers adjacentes, situées en Europe, sont libres de domination, lesquels sont dominiés (*clausæ*), ou quels sont ceux sur la liberté desquels on dispute.

De Cusay, "Phases et Causes Célèbres du Droit Maritime des Nations" (Leipzig, ed. 1856), liv. i, tit. 2, §§ 40, 41 :

Mais la protection du territoire de l'état du côté de la mer, et la pêche qui est la principale ressource des habitants du littoral, ont fait comprendre la nécessité de reconnaître un territoire maritime. Ou mieux encore une mer territoriale dépendant de tout état riverain de la mer; c'est-à-dire, une distance quelconque à partir de la côte, qui fut réputée la continuation du territoire, et à laquelle devait s'étendre pour tout état maritime la souveraineté spéciale de la mer.

Cette souveraineté s'étend aux districts et parages maritimes, tels que les rades et baies, les golfes, les détroits, dont l'entrée et la sortie peuvent être défendues par le canon.

Tous les golfes et détroits ne sauraient appartenir, dans la totalité de leur surface ou de leur étendue, à la mer territoriale des états dont ils baignent les côtes; la souveraineté de l'état reste bornée sur les golfes et détroits d'une grande étendue à la distance qui a été indiquée au précédent paragraphe; au delà, les golfes et détroits de cette catégorie sont assimilés à la mer, et leur usage est libre pour toutes les nations.

Many authorities maintain that whenever, under the law of nations, any part of the sea is free for navigation, it is likewise free for fishing by those who sail over its surface. But, without insisting upon this position, the inevitable conclusion is, that, prior to the Treaty of Washington, the fishermen of the United States, as well as those of all other nations, could rightfully fish in the open sea more than three miles from the coast; and could also fish at the same distance from the shore in all bays more than six miles in width, measured in a straight line from headland to headland.

The privileges accorded by Article XVIII of that treaty are, to take fish within the territorial waters of the British North American colonies; and the limits of territorial waters have been thus defined by the law of nations.

It is not, however, to be forgotten that, at the time when the treaty was framed, the privileges actually enjoyed by American fishermen corresponded precisely with the rules of international law as hereinbefore set forth. And it is apparent that the present Commission was not constituted as a tribunal to decide upon grave questions of international law, but simply to estimate what, if anything, is the greater value of the privileges accorded to the citizens of the United States by Article XVIII beyond such as they previously practically enjoyed, over and above those accorded to the subjects of Her Majesty by Articles XIX and XXI of the Treaty of Washington.

It is the manifest duty of the Commissioners to proceed upon the basis of the *status* existing at the date of the treaty, no matter what were the claims or pretensions of either national government. Of still less consequence is it what were the claims of colonial authorities.

By the orders of the home government, before and at the date of the treaty, the American fishermen were not excluded from any bays or

ceeding six miles in width from headland to headland. All larger bodies of water were then treated, by the command of Her Majesty, like the open sea; and in all such bays the territorial limit was measured along the shore, according to its sinuosities three miles from low-water mark. The Commissioners are bound to adopt the same view. This position is insisted upon because of its practical common sense and intrinsic rectitude, and not because any doubt is entertained as to the rules and principles of international law, by which the honorable Commission ought to be governed.

DWIGHT FOSTER,
Agent of the United States.

APPENDIX D.

REPLY ON BEHALF OF HER BRITANNIC MAJESTY'S GOVERNMENT TO THE ANSWER OF THE UNITED STATES OF AMERICA.

PART I.—CANADA.

I.

That portion of the Answer which first claims attention embodies the views presented by the United States as to the area of the British North American fisheries.

Two things are relied on:

First. It is submitted by the United States that "independently of treaty," and for the "purposes of fishing," the territorial waters of every country extend three miles from low-water mark, to be measured along the contour of the shores of bays according to their sinuosities, and that the rule upon which this assertion is maintained is believed by the United States to have received a traditional recognition from other powers, including Great Britain.

Second. It is urged that it is the duty of the Commissioners to "treat the question practically, and proceed upon the basis of the *status* actually existing when the Treaty of Washington was adopted," according to "the practical extent of privileges enjoyed by American fishermen" at and before that date.

The Commissioners are thus invited to dismiss from their consideration all claim to compensation for the privilege of fishing in such portions of British American bays greater than six miles in width at their mouths as are beyond three miles from the shore.

It is not understood that the Answer either raises or invites the discussion of any rules or doctrines of international law, save such as bear upon the question of what are to be considered the territorial waters of a maritime state for the purposes of exclusive fishing. The contention of the Answer in relation to these doctrines which requires special attention is that which asserts that Great Britain and other powers have traditionally recognized a rule by which foreigners were excluded from fishing in those bays only which are six miles or less in width at their mouths.

It is distinctly asserted, on the part of Her Majesty's Government, that this alleged rule is entirely unknown to, and unrecognized by, Her Majesty's Government, and it is submitted that no instance of such recognition is to be found in the Answer or the Brief accompanying the same, and that none can be produced.

And while abundant argument supported by authorities will be found in the Brief to be submitted to the Commissioners, to establish the view never abandoned by Great Britain, and entirely adverse to that now advanced by the United States, the admission by the United States that it is not the province of the Commission to decide upon questions of international law, does not seem to be at variance with the views of Her Majesty's Government as to the mode of conducting the present inquiry, because it is clear, that entirely independent of the unsettled

doctrines of international law, the rights of Great Britain and the United States, respectively, are to be ascertained by Commissioners directed to confine their inquiry exclusively to the terms of the Treaty of Washington and the 1st Article of the Convention of 1818.

It is asserted in the Answer, at page 3, that the Commissioners framed the Treaty of Washington "decided not to enter into a comparison of the respective rights of the two countries under the Convention of 1818 and the general law of nations, but to approach the settlement of the question on a comprehensive basis." It is so stated that no such decision was ever come to by the Commissioners. To this assertion attention is directed to the Protocols of the Commission preceding the treaty. These Protocols prepared by Her Majesty's Government were prepared to discuss the question in detail or generally, so as either to enter into an examination of the respective rights of the two countries under the Treaty of Washington, or to approach the settlement of the question on a comprehensive basis; and in answer to an inquiry by the American Commissioners as to what in the latter case was the proposition of the British Commissioners, the latter replied that in principle of the Reciprocity Treaty of 1854. The Commissioners having declined to proceed to the basis of the Reciprocity Treaty, negotiations were again resumed and resulted in the adoption of the clauses in the Treaty of Washington already mentioned in the Case, and which, as if to remove the possibility of a doubt, make the Convention of 1818, and the respective rights of the two countries under it, the basis upon which the value of the new award is to be measured.

The words of Article 1 of that convention, used by the British Commissioners in renouncing forever all liberty previously "claimed by Great Britain of taking fish *within three marine miles of any of the coasts, harbors or rivers of Her Majesty's Dominions in America,*" seem not binding for dispute, whatever notions may have prevailed among writers as to the territorial jurisdiction of a nation over adjacent waters.

This privilege so renounced forever is conceded for the United States by the Treaty of Washington, and the extent of territorial jurisdiction is easily ascertainable.

A portion of the first section of the Answer is devoted to a collection of public documents, which were prepared as instructive and of a temporary character and to prevent embarrassment and delay to the United States fishermen, and the section closes with an extract from a judgment pronounced by the Lord Chief Justice of England in a recent case.

The special attention of the Commissioners is directed to the inapplicability of these extracts.

Had the word "status" in the Answer been used as meaning the status under the Convention of 1818, then Her Majesty's Government would be in perfect accord with that of the United States. It is evidently intended to mean the state of facts existing at various periods when Her Majesty's Government either granted fishing rights to American fishermen or otherwise voluntarily relaxed for them their undoubted rights, then Her Majesty's Government entirely forgot that in the latter case the express words of the Convention of 1818 were ignored, and the Commissioners asked to adopt as a basis of the award that convention, certain indulgences which Her Majesty's Government were pleased, from motives of good-will and friendship, to

United States fishermen. These relaxations of legal rights were only temporary in their nature, were always given with an express reservation of the undoubted rights of Her Majesty's Government, and cannot, on any principle of law, justice, or equity, be considered by the Commission with the object of prejudicing the government, so temporarily conceding them.

As an instance of such express reservation, attention is called to a telegraphic dispatch from Lord Clarendon to the British minister at Washington, protesting against the terms of a circular from the Secretary of the United States Treasury, dated May 16, 1870, addressed to collectors of customs, notifying them that the Dominion Government had terminated the system of granting fishing-licenses to foreign vessels, and warning American fishermen of the legal consequences of encroaching upon prohibited limits.

This is dated June 7, 1870, and is as follows :

Take an opportunity to point out to Secretary of State that Mr. Boutwell's circular of May 16, 1870, respecting the Canadian inshore fisheries, may lead to future misunderstanding, inasmuch as it limits the maritime jurisdiction of the Dominion to three marine miles of the shores thereof, without regard to international usage, which extends such jurisdiction over creeks and bays, or to the stipulations of the Treaty of 1818, in which the United States renounce the right of fishing within three miles, not of the coast only, but of the bays, creeks, and harbors of Her Majesty's dominions in America.

In the quotation given in the Answer from the instructions issued from time to time by Her Majesty's Government and the Minister of Marine and Fisheries of the Dominion of Canada, to the commanders of government vessels engaged in protecting the fisheries, no mention of the express reservations which were invariably inserted of the rights of Her Majesty's Government under the Convention of 1818 is made; and it is deemed at present sufficient to call the attention of the Commission to these omissions, and to the text of the instructions themselves, where they will be found fully and clearly made.

It is confidently submitted and urged on the part of Her Majesty's Government, that it is not "the manifest duty of the Commissioners" to award compensation on the basis of "*the practical extent of the privileges enjoyed by American fishermen at and before the Treaty of Washington,*" unless those privileges were enjoyed legally, as a matter of right, and not temporarily, and by the favor of Great Britain; and it is further urged that the true and equitable basis upon which the Commissioners should proceed is that of the legal *status*, at the date of the Treaty of Washington, of American fishermen in British waters under the Convention of 1818.

The quotation from the judgment of the Lord Chief Justice of England in the case of the *Franconia*, already alluded to, has no reference whatever to any subject involved in this inquiry, but to a question of an entirely different character, and it is sufficient to call the attention of the Commission to the judgment itself from which the quotation is made, reported, L. R. 2 Ex. Division, page 63, to prove its utter irrelevancy.

The attention of the Commission is called to the judgment of the judicial committee of the privy council, delivered February 14, 1877, in the case of the Direct United States Cable Company against the Anglo-American Telegraph Company, in which judgment the following language is used: "There was a convention made in 1818 between the United States and Great Britain relating to the fisheries of Labrador, Newfoundland, and His Majesty's other possessions in North America, by which it was agreed that the fishermen of the United States should

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the right to fish on part of the coast (not including the part of the l of Newfoundland on which Conception Bay lies), and should not any 'bays' in any other part of the coast, except for the purpose alter and repairing damages, and purchasing wood, and obtaining and no other purposes whatever. It seems impossible to doubt his convention applied to all bays, whether large or small, on that and consequently to 'Conception Bay.'

II.

tion 2 of the answer is devoted to a consideration of the reciprocal ages accorded to Her Majesty's subjects by articles 19 and 21 of treaty of Washington, and contests the right of the Colony of Newfoundland to be considered in the sum to be awarded.

this section it is contended that no account is to be taken of the "to admit fish and fish-oil free of duty from the United States Canada and Prince Edward Island, in the estimate and adjustment rivalents which the Commissioners are directed to make." This sition is not assented to, but, on the contrary, it is contended that ommissioners cannot ignore these concessions "in their adjustment rivalents." Article 22 of the treaty provides that having regard

privileges accorded by the United States to the subjects of Her mic Majesty, as those privileges are stated in Articles 19 and 21, ommissioners shall determine the compensation to be paid by the d States to Her Britannic Majesty, in return for the privileges ad d to the citizens of the United States under Article 18. It is con d in the answer that the privileges accorded by the United States

subjects of Her Majesty, and having regard to which the amount nensation is to be awarded, are the absolute benefits which Cana will derive from the free admission of their fish and fish-oil into nited States, without regard to the reciprocal rights of the citizens, United States to the free admission of their fish and fish-oil into la. Such a contention is not based upon a proper construction of es 21 and 22. Article 22 expressly directs the Commissioners, in g their award, to have regard to the privileges accorded by the d States to the subjects of Great Britain, *as these privileges are in Articles 19 and 21.* The right or privilege, as stated in the article, is not the absolute right of one country to export free ish her, but a reciprocal right conferred, and to be enjoyed in con

The value of this privilege to Canada is simply the reciprocal as stated in the article itself, and in putting a pecuniary estimate it the *reciprocal* character of the privilege cannot be ignored.

III.

advantages, so explicitly set forth in the Case, of freedom to transgoes, outfit vessels, obtain ice, procure bait, and engage hands, re not denied in the Answer. Nor is it denied that these privi have been constantly enjoyed by American fishermen under the tion of the Treaty of Washington. Neither is the contention of art of Her Majesty's Government, that all these advantages are sary to the successful pursuit of the inshore or outside fisheries, pted to be controverted. But it is alleged in the 3d section of answer that there are statutes in force, or which may be called in to prevent the enjoyment by American fishermen of these indis ble privileges.

It is presumed that by these "former inhospitable statutes," as they are termed by the United States, are meant the following, viz :

1. The Imperial Act, 59 Geo. III, cap. 38.
2. The Acts of the Parliament of Canada, 31 Vic., cap. 61, passed 1868; 33 Vic., cap. 15, passed 1870; and 34 Vic., cap. 33, passed 1871.
3. The Act of Parliament of Prince Edward Island, 6 Vic., cap. 14, passed 1843.
4. The Act of the Parliament of New Brunswick, 16 Vic., cap. 69, passed 1853.
5. The Act of Parliament of Nova Scotia, 27 Vic., cap. 94, passed 1864.

It is scarcely necessary to mention that these statutes were passed by the several parliaments solely to enforce the provisions contained in the Convention of 1818, and they are entirely suspended for the period during which Great Britain has conceded the fishery privileges under the Treaty of Washington to the inhabitants of the United States, by the following enactments :

1. The Act of the Imperial Parliament, 35 and 36 Vic., cap. 45.
2. The Act of the Dominion of Canada, 35 V., cap. 2, entitled An act relating to the Treaty of Washington, 1871.
3. The Act of Parliament of Prince Edward Island, 35 Vic., cap. 2.

Previous to the date of the Treaty of Washington, American fishermen were, by the 1st Article of the Convention of 1818, admitted to enter the bays and harbors of His Britannic Majesty's Dominions in America for the purpose of shelter and of purchasing wood, and of obtaining water, and *for no other purpose whatever*.

By the terms of Article 18 of the Treaty of Washington, United States fishermen were granted "permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish."

The words "*for no other purpose whatever*" are studiously omitted by the framers of the last-named treaty, and the privilege *in common* with the subjects of Her Britannic Majesty, to take fish and to land for fishing purposes, clearly includes the liberty to purchase bait and supplies, transship cargoes, &c., for which Her Majesty's Government contend it has a right to claim compensation.

It is clear that these privileges were not enjoyed under the Convention of 1818, and it is equally evident that they are enjoyed under the Treaty of Washington.

IV.

In Section 3 of the Answer it is stated that the fishing pursuits of American fishermen in British territorial waters are limited to the mackerel and herring fisheries; and that the halibut and cod fisheries, including the subvarieties of hake, haddock, cusk, and pollack, belong "exclusively" to the open sea. This statement is altogether erroneous, as evidence will fully establish. It will further be proved not only that United States citizens actually fish within British waters for the various kinds of fishes and baits named in the Case, but also that the deep-sea fisheries proper, which are admittedly pursued in the vicinity of British American coasts, could not be carried on profitably, if indeed at all, by American fishermen without the privilege of resorting to the inshores for the purpose of procuring bait, and without availing themselves of facilities for preserving the same in a fit state for effective use, which the Treaty of Washington affords. It is admitted on page 8 of the Answer that the herring thus procured forms "the best bait for cod

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other similar fish," but asserted that it is obtained easily, because the American fishermen "find it more economical to catch it."

It has been shown that this privilege of purchasing fish is in accordance with the provisions of the treaty. In some places it has been thrown open to them, as will be proved, United States v. the Washington Treaty, catch bait for themselves, and use it to buy it.

Notwithstanding the statement to the contrary at page 10, it can be shown in evidence that the American fishermen have been allowed to haul and dry their nets and cure fish on the British shores to haul and dry their nets and cure fish. On page 9 it is alleged that the increased produce of the fishery by British subjects during the past seven years is "due to the influences" of the Treaty of Washington. This the Government distinctly deny, and contend that it has been the result of the progress and improvement, from increased numbers of fishermen, from improved facilities, and from greater development of the fishery with the system of protection and cultivation applied to the fishery. The reciprocal concession of fishing privileges in America is absolutely valueless, as set forth in the Case, and cannot be taken into account.

The Commissioners will readily perceive, on referring to the evidence adduced to the Case—

That the increase of catch by British subjects consists of those kinds of fish which are not affected in any way by the imposition of the United States customs duties under the Treaty of Washington, inasmuch as fresh fish was admitted free of duty from the United States at the time of the Treaty of Washington, and was previously.

That the aggregate annual value of fish caught by British subjects has increased in much greater ratio for the four years preceding the operation of the treaty than for succeeding years.

That the value of the British catch in 1872—the year when the treaty took effect as regards customs duties—amounted to more than that of 1869, while the value of 1875 was considerably less than that of 1873.

The statement made in the Answer that since the date of the Treaty the American cod and mackerel fisheries have not for a moment been admitted. On the contrary, it is shown that they have shown a gradual and progressive increase over the years of those years which preceded the signing of the treaty. The important statement hazarded on page 20, that "all the fish taken by the Americans within the three-mile limit of the British provinces are the mackerel, and that of the codfish only a very small fractional part is so taken," the Government feel called upon to deny in the strongest terms. It can be shown that codfish in limited quantities and quantities are so taken, but that by far the larger proportion of mackerel in British waters is taken within "the three-mile limit" and the right to fish in the entire extent of waters claimed by the United States as "the open ocean free to all" is practically not coupled with the privileges accorded by the Treaty; and, further, that without the liberty of fishing within the entire fishery would have to be abandoned by the Americans as useless and unremunerative.

The language of John Quincy Adams, one of the Commissioners,

commissioners at Ghent, in a work published by him so long ago as 1822: "The Newfoundland, Nova Scotia, Gulf of St. Lawrence, and Labrador fisheries are in nature and in consideration both of their value and of the right to share in them, *one* fishery. To be cut off from the enjoyment of that right would be to the people of Massachusetts similar in kind and comparable in degree with an interdict to the people of Georgia or Louisiana to cultivate cotton or sugar. To be cut off even from that portion of it which was within the exclusive British jurisdiction in the strictest sense within the Gulf of St. Lawrence and on the coast of Labrador would have been like an interdict upon the people of Georgia or Louisiana to cultivate with cotton or sugar three-fourths of those respective States."

And Andrews, at page 35 of his official report, 1852, to the Secretary of the United States Treasury, says: "A free participation in the sea-fisheries near the shores of the colonies is regarded as the just prescriptive privilege of our fishermen. Without such privilege our deep-sea fisheries in that region will become valueless."

And United States Commander Shubrick, in 1853, reported: "The shores of Prince Edward Island abound with fish of all kinds. The mackerel strike in early in the season *and can only be taken close inshore.*" (Ex. Doc. 1853-'54, No. 21, page 32.) Numbers of similar authorities can be produced.

With regard to the statement in page 10 of the Answer, that for a number of years past the value of the mackerel fishery in British waters has diminished, while during the same period the quantity and quality of these fish taken off the coast of New England has greatly improved, it is sufficient to mention that the result of the present season's fishing so far, in American waters, has been very small, and the indications are that the remainder of the season will also be poor. On the other hand, the waters of the British Canadian territories teem with mackerel, as in former years.

The catch of mackerel in British waters by Canadian fishermen has actually increased during several years past. Recent reports show that the prospects for the current season are good, and that American fishing-vessels are preparing to turn them to profitable account, the mackerel fishery off the United States shores having failed this year. The Cape Ann Weekly Advertiser of June 14, 1877, notices the early appearance of mackerel in the Bay of Saint Lawrence, and anticipates "a more successful season than that of 1876, and that quite a large fleet will engage in the bay fishery." The same journal of June 29, 1877, records "a good mackerel catch" along the eastern shore of Nova Scotia. The Boston Commercial Bulletin of July 7, 1877, states that "mackerel are plenty" at Prince Edward Island, also that "quite a large fleet" of mackerel fishing vessels had arrived at Boston and Gloucester from the United States coast, "but most of them report no catch, and the average will not exceed a few barrels per vessel." The same paper, under date of July 14, 1877, states on official authority that the catch of mackerel "is very light," the returns to July 12, this year, being only 28,043 barrels, against 81,193 barrels to July 1, last year (1876). The Cape Ann Weekly Advertiser of July 13, 1877, contains the following announcement: "A few small mackerel have been taken off shore, sufficient to meet the local demand for fresh mackerel, but the fleet have met with ill success, and none of consequence have been landed. * * *

The entire receipts for July *from a large fleet* will not exceed 800 barrels. * * *

The schooner Allen Lewis, from the Magdalen Islands, for Booth Bay, reports small codfish plenty at the Magdalens, and numerous

schools of large mackerel in the North Bay, between Edward Island, and Port Hood. The vessel was large mackerel taken. The skipper of the Allen expects for the mackerel fishery in the bay as good. These extracts may be taken, with many others, as character of the mackerel fishery on the American coast. The Answer describes it as being "unsurpassed by any other." They at the same time afford fresh indications of the success of the American mackerel fishermen on which really are in a thriving condition, and yield every year.

Certain expressions used in the Answer, which relate to Dominion fisheries and fishermen, cannot be properly understood. They are contained in the following paragraphs:

"All descriptions of fish found in British waters off this portion of the coast of the United States"-thirty-ninth parallel of north latitude. "If the parties invested the same amount of capital in the business enterprise, industry, and skill, they would find it fully as valuable to them as theirs are to fish in the States" (p. 18). This admission of value conflict (p. 13) that the inshore fisheries possess no "commercial value."

At pages 19 and 20, after describing the United States fisheries for mackerel as being unsurpassed by any other, that "they combine advantages compared with the Dominion fisheries are uncertain, poor in quality, and valuable. The Canadian fisheries are a long voyage from the coast and involve far more exposure to loss of vessels and crews. Along the shores of the United States are now only a few of the cheap-built vessels, cheap-fed crews, and poor Dominion fishermen, who pay trifling taxes, and their vessels and at home, at less than half the cost of the fishermen. It is only from lack of enterprise, and not that the Dominion fishermen have failed to use them."

It might suffice to remark, in answer to these conditions are not at all analogous. The Dominion fisheries on their own doors the richest fisheries in the world, and yield them an annual value far exceeding that of the fisheries of New England fishermen in their own waters. It is absurd for them, therefore, to make long and costly voyages into the waters for the purpose of engaging there in fishery, and fail to support American fishermen, as evidenced by the appearance in great numbers on the coasts of Canada that, according to the testimony of public men and statesmen of the United States, the American fisheries in former years have been in a state of ruin; that American fishermen have pursued their business although aided by liberal bounties, drawbacks, and other privileges, that their business has been in a "sinking state" and that the Dominion fishermen from the inshore fisheries of the British Isles are therefore, somewhat out of place to claim for the Dominion fisheries the expense of others. Particularly so in view of the fact that the Dominion fisheries are composed of classes of a population numbering four millions people, and that the waters of Canada than the New England contain more people can produce in their own fisheries, which are "nearly as extensive, territorially, and equally valuable as the fisheries of Canada, abounding in "all descriptions of fish for

V.

The Answer (pp. 18 and 19) lays much stress on the importance to Canadian fishermen of the menhaden bait fishery on the coasts of the New England States. The menhaden is here represented to be the best bait for mackerel, and is said to inhabit exclusively the American coast. An entirely fictitious value has been attached to this fishery. British fishermen do not frequent United States waters for the purpose of catching bait of any kind, or for any other purposes connected with fishing; consequently the privilege of entering those waters to catch menhaden is of no practical value. Any bait of that description which they require may be purchased as an article of commerce.

There are not now, nor have there ever been, treaty stipulations to prevent British fishermen from entering American waters to buy bait, if they prefer to do so. As a matter of fact, whatever menhaden bait British fishermen use is either purchased from American dealers or from Canadian traders, who import and keep it for sale like any other merchandise. Reference is made in the Answer to the possible contingency of legislation prohibiting the export or sale of menhaden bait, the implied consequence being a serious disadvantage to Canadian fishermen in prosecuting the mackerel fishery. It would in such contingency be necessary to use other baits equally good or resort to some other method of fishing, such as that described at page 10, enabling the fishermen to dispense with bait. Moreover, it is well known that menhaden are now caught in the open sea many miles distant from the American coast. The Answer asserts at page 19, that "it is entirely an in-shore fishery;" also that menhaden "are caught solely with seines near the shore." It can be proved that menhaden are chiefly caught off shore, frequently "out of sight of land."

Mr. S. L. Boardman, of Augusta, Me., in an interesting report to the State Board of Agriculture, of which he is secretary, published in 1875, at page 60, says: "Parties engaged in taking menhaden now go off ten or twenty miles from shore, whereas they formerly fished near the coast, and they now find the best and most profitable fishing at that distance." This fish is included among the shore fishes described by Prof. S. F. Baird as having suffered "an alarming decrease" along the in-shores of the United States, owing partly to excessive fishing throughout their spawning time in order to supply the oil factories.

Chapter 5 of the Answer deals with "the specific benefits which the treaty directs the Commission to regard in its comparison and adjustment of equivalents." The admission of British subjects to United States fishing grounds has been dealt with at length in the third chapter of the Case. There is nothing in the Answer on this subject calling for any reply excepting the statement at page 20, that Dominion fishermen "have in the United States waters to-day over 30 vessels equipped for seining, which, in company with the American fleet are sweeping the shores of New England." Leaving out of question the "American fleet," which has nothing whatever to do with the matter, the correctness of the statement is directly challenged in so far as it implies that these 30 vessels or any of them are British bottoms, owned by Dominion fishermen; and the United States is hereby called upon to produce evidence in its support.

VI.

The free admission of fish into the markets of the United States is claimed in the Answer to be of enormous pecuniary value to the Cana

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er. In support of this contention certain e
purporting to be contained in a dispatch fr
er, dated June 24, 1851, and in quoting th
Her Majesty's Government were prepared
the British North American colonies, to th
if the United States Government would a

ations given are not contained in a dispatch
hen governor-general of Canada, and not
gton, but in an extract inclosed in a despa
51, by Sir H. Bulwer to Mr. Webster, and I
spatch in which they were inclosed, are m
variance with the actual proposal made. I
is as follows:

WASHINGTON

e already expressed to you at different periods, and e
March last, the disappointment which was experie
of the last session of Congress, it was known that n
bill which had been brought forward for three years
the measure which passed the Canadian Legislatu
e natural produce of this country an entry, free fro
he Federal Legislature of the United States should
ng into the United States the natural produce of the
pointment was greater, inasmuch as the Canadian Go
most liberal commercial policy with respect to the U
the transit through its canals, as in regard to the ac
coming from this country.

' the honor to inclose to you the copies of an official c
ved from the governor-general, Lord Elgin, by whi
can hold out some hopes that a policy will be adopted
at which has been adopted in Canada, and which the
ling, if met in a corresponding spirit, to carry out st
nent and Legislature are likely forthwith to take cer
nelves and their consequences, will effect a consid
intercourse between the Canadas and the United Stat
e with great regret the adoption of such measures,
re conversations I have recently had with you, that I

of Her Majesty's Government, indeed, would be rat
lations of friendship and good neighborhood between
ns and the United States, and I feel myself authori
have at different times already stated—to Mr. Clay
esty's Government would see with pleasure any ar
legislation, establishing a free interchange of all nat
Canada and the United States, but between the Uni
rth American provinces; and furthermore, I am willi
an arrangement, Her Majesty's Government would
pping the waters of the river St. Lawrence, with
the terms of the letter which I addressed to Mr.
for the information of the Committee on Commerce
and to which I take the liberty of referring you, v
s Government would, in this case, be likewise willing
s fisheries along the coasts of Nova Scotia and New
ions specified in the inclosed extract from instructi

gress to grant to American citizens, on such reason
privileges, so long enjoyed exclusively by the subjects
y to the spirit by which the British Government is
as affairs have now arrived at that crisis in which
of either party is necessary for the interests and ri
the liberty of begging you to inform me whether you
United States, to enter into such a convention as wou
between the United States and the North American
have here proposed, or whether, in the event of there
proceed by convention in this matter, you can assur

States Government will take the earliest opportunity of urgently recommending Congress to carry out the object aforesaid by the means of legislation.

I avail, &c.,

H. L. BULWER.

Hon. D. WEBSTER, &c., &c.

[Extract.]

Her Majesty's Government is prepared, on certain conditions, and with certain reservations, to make the concession to which so much importance seems to have been attached by Mr. Clayton, viz, to throw open to the fishermen of the United States the fisheries in the waters of the British North American colonies, with permission to those fishermen to land on the coast of those colonies, for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the owners of private property, or with the operations of British fishermen.

Her Majesty's Government would require, as an indispensable condition, in return for this concession, that all fish, either fresh or cured, imported into the United States from the British North American possessions, in vessels of any nation or description, should be admitted into the United States duty free, and upon terms in all respects of equality with fish imported by citizens of the United States.

N. B.—As the concession above stated applies solely to the sea fishery, the fisheries in estuaries and mouths of rivers are not of course included.

Her Majesty's Government does not propose that any part of this arrangement should apply to Newfoundland.

How, after reading the above, can it be asserted that Her Majesty's Government made an offer to throw open the fisheries in return for the free admission of fish? This offer was part only of a general proposition to put the commercial relations between the United States and the British North American colonies upon a better footing, and it was expressly made contingent upon the establishment of *the reciprocal free interchange of all natural productions*.

VII.

The fourth section and a very large additional portion of the Answer is devoted to a consideration of the advantages alleged to be derived by British subjects from the provisions of the Treaty of Washington. These are, first, increased catch of fish taken by colonial fishermen as the result of the admission of American fishermen into British waters; second, incidental benefits arising to the inhabitants of the Canadian fishing villages and others on the coast of the maritime provinces from traffic with American fishermen.

This subject is introduced for the purpose of diminishing any compensation to which Great Britain may be entitled. In the first place these alleged benefits are not founded in fact, and, secondly, their consideration is beyond the duty of the Commissioners and the scope of the inquiry.

The attention of the Commission is directed to the entire absence of anything whatever in the treaty to warrant the introduction of this large mass of extraneous matter in the Answer, inasmuch as the Commissioners, when estimating any advantage which may accrue to Great Britain under the treaty, are confined to the subjects named in Articles 19 and 21.

There are, it will be apparent, many reciprocal advantages which both nations may enjoy, as the result of the treaty to certain classes of individuals not within the province of the Commission to consider, and those above alluded to are clearly and unmistakably among the number.

To support these assertions in the Answer, lengthy extracts are quoted from speeches delivered in the Canadian House of Commons upon the occasion of the debate on the adoption of the Treaty of Washington.

The speakers, it must be considered, were addressing themselves to

Treaty of Washington as a whole, and not simply to the fishery uses of that treaty. In dealing with these clauses not one of those makers ventured the assertion or opinion that the advantages to be derived by Canada were in any way or sense equivalent to those conferred upon the United States. They spoke and the assembly by them addressed was impressed with the full knowledge of the clauses which provide for the assessment and payment to Canada of full compensation for the privileges secured by Article 23 of the treaty.

It is reasonable to assume, considering especially the occasion and circumstances of the debate, the numerous issues there raised inapplicable to the present discussion, and the forcible arguments offered in speeches not quoted, that the Commissioners will only give such weight to opinions as are relevant to and consistent with the testimony to be produced before them.

The debate in the United States Senate on the subject of the adoption of the Treaty of Washington was held with closed doors, and thus it is not possible to cite the opinions then offered. It may, however, be mentioned that many eminent statesmen and public writers in the United States maintain that free access to the British American fisheries is highly promotive of her commerce and absolutely essential to her maritime and naval greatness.

And when the Reciprocity Treaty was under discussion before the United States Senate, in 1852, distinguished American statesmen fully acknowledged the value of the Canadian fisheries to the fishermen of the United States. Mr. Secretary Seward said :

"Will the Senate please to notice that the principal fisheries in the waters to which no limitations apply are the mackerel and the herring fisheries, and that these are what are called "shoal fisheries;" that is to say, the best fishing for mackerel and herring is within three miles of the shore. Therefore, by that renunciation, the United States renounced the best mackerel and herring fisheries. Senators, please to notice, that the privilege of resort to the shore constantly to cure and dry fish, is very important. Fish can be cured sooner, and the sooner cured the better they are, and the better is the market price. This circumstance has given to the colonies a great advantage over us in this trade. It has stimulated their desire to abridge the American fishing as much as possible; and, indeed, they seek naturally enough to procure exclusion altogether from the fishing-grounds.

Further on, alluding to the construction of the Convention of 1818, regarding large bays, Mr. Seward said :

"While that question is kept up, the American fisheries, which were once in a most prosperous condition, are comparatively stationary, or declining, although supported by large bounties. At the same time the Provincial fisheries are gaining in the quantity of fish exported to this country, and largely gaining in their exportations abroad. Our fishermen want all that our own construction of the convention gives them, and must have more—they want and must have the privilege of fishing within three inhibited miles, and of curing fish on the shore.

Senator Hamlin, of Maine, after describing the magnitude and importance of the American fisheries "as the great fountains of commercial prosperity and naval power," declared that if American fishermen were kept out of these inshore waters, the "immense amount of property thus invested will become useless, and leave them in want and beggary, or in prison in foreign jails."

In the House of Representatives, Mr. Scudder, of Massachusetts, referring to the mackerel, said :

"These fish are taken in the waters nearer the coast than the codfish are. A considerable proportion, from one-third to one-half, are taken on the coasts and in the bays and gulfs of the British Provinces. The inhabitants of the Provinces take many of them in boats and with seines. The boat and seine fishery is the more successful and profitable, and would be pursued by our fishermen were it not for the stipulations of

the Convention of 1818, betwixt the United States and Great Britain, by which it is contended that all the fisheries within three miles of the coasts, with few unimportant exceptions, are secured to the Provinces alone.

Mr. Tuck, of New Hampshire, said :

This shore fishery which we have renounced is of great value, and extremely important to American fishermen.

From the first of September to the close of the season the mackerel run near the shore, and it is next to impossible for our vessels to obtain fares without taking fish within the prohibited limits.

The truth is, our fishermen need absolutely and must have the thousands of miles of shore fishery which have been renounced, or they must always do an uncertain business. If our mackerel men are prohibited from going within three miles of the shore, and are forcibly kept away (and nothing but force will do it), then they may as well give up their business first as last. It will be always uncertain.

They (the American fishermen) want the shore fisheries. They want a right to erect and maintain structures on shore to cure codfish as soon as taken, thus saving cost, and making better fish for market; and believing their wishes to be easy of accomplishment, they will not consent to the endurance of former restrictions, the annoyances and troubles of which they have so long felt.

The foregoing statements are amply sustained by reports which have been published by the United States Government, and by other American statesmen and writers on this subject, and which can be laid before the Commission.

VIII.

The United States contend, at page 31 of the Answer, that the remission of duties to Canadian fishermen during the four years which have already elapsed under the operation of the treaty has amounted to about \$400,000 annually; and in connection with this statement the following principle is laid down :

When a tax or duty is imposed upon only a small portion of the producers of any commodity, from which the great body of its producers are exempt, such tax or duty necessarily remains a burden upon the producers of the smaller quantity, diminishing their profits, and cannot be added to the price and so distributed among the purchasers and consumers.

Without controverting the correctness of this principle in its application to certain conditions of international commerce, it cannot be admitted to be universally correct, but the accuracy of the statement that the remission of duties has amounted to \$400,000 annually, or anything like that amount, is challenged. In the United States the demand for mackerel is large, but not unlimited. That demand cannot ordinarily be supplied by fish taken in United States waters, and it will be proved that the average prices obtained by the Canadian exporter into the United States during those years in which foreign fishermen were excluded from British-American waters, in face of the duty of \$2 per barrel, have been quite equal to the prices realized since these waters have been thrown open to American fishermen and the duties removed.

Upon a careful examination of all the facts to be submitted, the Commissioners will, it is confidently believed, be satisfied that the remission of duties upon mackerel, coupled with the throwing open of Canadian fishing-grounds to the American fishermen, has not resulted in pecuniary profit to the British fisherman, but, on the contrary, to the American dealer or consumer. At the same time it is frankly admitted that during those periods when American fishermen enjoyed, as stated in page 9 of the Answer, the privilege of fishing in Canadian waters, and Canadian-caught fish were subject to duty, that duty may have been paid to a certain extent by the exporter, increasing or lessening in proportion as the catch of United States vessels in Canadian waters was small or great.

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conclusion it is submitted that the principle in the United States on page 31 of the Answer in regard to *resting upon the producer*, already quoted, is conclusive as to the principle at which the United States estimate the compensation for the concessions granted to them by the Treaty of 1870.

In this relation Her Majesty's Government calls particular attention to the offer made by the United States Commissioners in 1870, preceding that treaty, as appears from the process. That offer is expressed in the following words:

"Inasmuch as Congress had recently more than once expressed its opinion in favor of the abolition of the duties on coal and salt, they would propose that the United States be reciprocally admitted free, and that inasmuch as Congress had recently expressed its opinion in favor of a portion of the lumber heretofore subject to duty, an offer was made in the United States was toward the reduction of taxes upon the lumber, and inasmuch as the public debt and expenses, the United States proposed that lumber be admitted free of duty from and after the 1st of July, 1874."

The British Commissioners declined the offer, on the ground that it was not a money payment, and was not to be withdrawn.

The offer of the American Commissioners embraced the admission of the United States of fish and fish-oil, coal and salt, and lumber was to be added after the 1st July, 1874.

The treaty, as subsequently agreed upon, confined the admission of duty to fish and fish-oil.

The difference, then, between the offer of the American Commissioners and the actual treaty concessions lies in the free admission of coal, salt, and lumber, while coal, salt, and lumber are still subject to duty. The United States Government are prepared to prove that upward of \$17,000,000 would have been the aggregate remissions upon these articles for the term of years over which the treaty was made. In imposing the duties upon the same articles when imported into the United States, and upon the principle enunciated in the Answer of the United States, it may be fairly said that the value of \$17,000,000 is the value which the United States Government themselves placed upon the fishery privileges conceded for their country under the Treaty of Washington. The United States Government are prepared to prove that the privileges conceded to Great Britain and the United States under the Treaty of Washington are of great value.

PART II.—NEWFOUNDLAND.

In the Answer to the Case, it is contended that "Newfoundland no special remarks seem to be required at this time, by Article 32, the provisions and stipulations of the Convention, are extended to that island so far as they are applicable, as there is no previous mention of Newfoundland in the Convention. It is a strained and unnatural construction of Article 32 to say that this general language it was intended to make the Convention applicable thereto. The United States Government are prepared to prove that the jurisdiction of the Commissioners does not extend to Newfoundland, and that compensation should be made for the inshore fisheries of Newfoundland, because the language of the treaty does not authorize such a construction, and because the extensive rights to the inshore fisheries of Newfoundland, and to dry and cure fish upon its shores, are of great value. The United States under the Convention of 1870 are prepared to prove that it is highly improbable that any idea of possible compensation for the fisheries of Newfoundland was in the mind of the Commissioners."

island could have been entertained by either of the High Contracting Powers when the treaty was framed."

This contention on the part of the United States to exclude from the jurisdiction of the Commissioners the claim of the Colony of Newfoundland for compensation is submitted to be wholly untenable, and it can scarcely be supposed that such a position is intended to be seriously urged by the United States. It will be seen by reference to Article 32 that it is provided that "the provisions and stipulations of Articles 18 to 25 of this treaty, inclusive, shall extend to the Colony of Newfoundland as far as they are applicable." If it had been contemplated to exclude Newfoundland from a claim for compensation, the provisions and stipulations of Articles 22 to 25, inclusive, which have reference only to the assertion of the British claim for compensation, and the mode of adjustment thereof, would not have been expressly extended to Newfoundland, but the Articles 18 to 21, inclusive, would have been alone sufficient for securing the mutual concessions therein contained. No language could have been employed more plainly providing for the right of Newfoundland, conjointly with the Dominion of Canada, to claim compensation for the greater value of the concessions as regards the colony made to the United States over those conceded by the latter to Newfoundland. The assertion made that the United States possessed extensive rights to the inshore fisheries of Newfoundland appears to render it desirable that the nature and extent of these rights should be clearly placed before the Commissioners. By Article 13 of the Treaty of Utrecht, A. D. 1713, it is stipulated :

The island called Newfoundland, with the adjacent islands, shall, from this time forward, belong of right wholly to Great Britain; and to that end the town and fortress of Placentia and whatever other places in the said island are in the possession of the French shall be yielded and given up within seven months from the exchange of the ratifications of this treaty, or sooner, if possible, by the Most Christian King, to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the Most Christian King, his heirs, and successors, or any of their subjects, at any time hereafter, lay claim to any right to the said island and islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any buildings there, besides stages made of boards and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to subjects of France to catch fish and to dry them on land in that part only, and in no other besides that, of the said island of Newfoundland which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down the western side reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the river Saint Lawrence and in the gulf of the same name, shall hereafter belong of right to the French, and the Most Christian King shall have all manner of liberty to fortify any place or places there.

And by Article V of the Treaty of Versailles, A. D. 1783, it is further agreed that—

His Majesty the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in fifty degrees north latitude; and His Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of His Most Christian Majesty beginning at the said Cape St. John, passing to the north and descending by the western coast of the island of Newfoundland, shall extend to the place called Cape Ray, situated in forty-seven degrees fifty minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present article, as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht.

The declaration of His Britannic Majesty accompanied treaty is as follows:

he King having entirely agreed with His Most Christian Majesty the definitive treaty, will seek every means, which shall not only be thereof with his accustomed good faith and punctuality, and will part, all possible efficacy to the principles which shall prevent even on of dispute for the future. To this end, and in order that the nations may not give cause for daily quarrels, His Britannic Majesty & positive measures for preventing his subjects from interrupting their competition, the fishery of the French, during the temporary which is granted to them upon the coasts of the island of Newfoundland this purpose cause the fixed settlements which shall be formed the Britannic Majesty will give orders that the French fishermen be cutting the wood necessary for the repair of their scaffolds, huts, &c. the thirteenth article of the Treaty of Utrecht, and the method of every, which has at all times been acknowledged, shall be the plan every shall be carried on there; it shall not be deviated from by nob fishermen building only their scaffolds, confining themselves to fishing-vessels, and not wintering there; the subjects of His Majesty their part, not molesting in any manner the French fishermen during their scaffolds during their absence.

he King of Great Britain, in ceding the islands of St. Pierre and Miquelon to them as ceded for the purpose of serving as a real shelter to the French, and in full confidence that these possessions will not become an object of dispute between the two nations; and that the fishery between the said island of Newfoundland shall be limited to the middle of the channel.

The "extensive rights to the inshore fisheries" of Newfoundland alleged to be possessed by the United States prior to the Convention, consisted, first, of a right to participate in commercial fisheries in such rights of fishing on the northern and western coast, between Quirpon Island and Cape Ray, as British subjects possessed after the concessions made to the French by the Treaties of A. D. 1713 and 1763; secondly, the liberty, in such rights, to take fish on the southern coast from Cape Breton to the Rameau Islands. The first is of very limited value, on account of the small concessions previously made to the French, and the second is a comparatively short line of coast only. The coast from the Rameau Islands to Cape Ray and thence northward is too remote, and is not suitable as a basis for deep-sea and Bank fisheries, the eastern and southeastern coasts being open to the United States, being the parts of the coast which can be alone availed of for that purpose with real advantage. Moreover, undertaken by treaty with France in 1763, it is provided that "neither party will intermeddle in the fisheries of the other, nor disturb the other in the exercise of the rights which it has or may acquire on the coast of Newfoundland, in the Gulf of St. Lawrence, or elsewhere on the American coast northward of the Gulf, but the whale and seal fisheries shall be free to all the world." Therefore, the "extensive rights" of the United States on the coasts of Newfoundland dwindle down to the right, common with British subjects, to take fish between Cape Breton and the Rameau Islands, and to dry and cure fish in the unsettled bays and creeks of that part of the coast. It is impossible to regard to the important privileges conceded by the Convention, that the extremely limited rights enjoyed by the United States under the Convention of 1818 could in any way have been considered by the High Contracting Powers as operating against the rights of the Colony of Newfoundland for compensation. It is in the behalf of Newfoundland that the United States have conceded to their fishermen the right to enter any of the bays

other than those between Quirpon Island and Cape Ray, and thence to the Rameau Islands, except "for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water," as provided by the Convention of 1818.

It will be shown by conclusive testimony, that whether the contention on the part of the United States regarding the limit or extent of territorial waters and the rights in bays, gulfs, and inlets, be maintainable or not, it has no appreciable, practical effect, so far as concerns the claim for compensation made by Newfoundland, inasmuch as the cod and other fisheries of that island set forth, in the Case, as producing annually over six million dollars by the labor of a limited number of operatives, and which are now by Article 18 of the Treaty of Washington thrown open to the fishermen of the United States, are carried on within three miles of the coast line following the sinuosities of the shore. The bait fishery, from which the United States fishermen can now, by virtue of the same article, procure all the bait requisite for the successful prosecution of the deep-sea, Bank, and inshore fisheries, is also carried on within the said three-mile limit. The fact that such a large annual amount of produce, principally of codfish, is drawn from the waters along our coast and within the admitted territorial limits of the jurisdiction of the Colony of Newfoundland, effectually refutes the assertion by the United States that "the cod-fishery is solely a deep-sea fishery, and not a subject within the cognizance of this Commission."

The privilege of landing on the coast of Newfoundland for the purpose of curing fish, drying nets, &c., characterized in the Answer as "customs belonging to the primitive mode of fishing," is nevertheless highly valued by the United States, inasmuch as its insertion has always been insisted on in all treaties relating to the fisheries between the United States and Great Britain, and it has been practically availed of, and may in the future be reasonably anticipated to become more generally used; the climate of Newfoundland being especially adapted to the production of the best quality of dry codfish suitable for southern and tropical markets.

The claim preferred by Newfoundland is based alone upon the new privileges conceded by the Washington Treaty, and does not embrace a demand under any other treaty or convention. And it is submitted that in estimating compensation, the commissioners should not confine their jurisdiction and consideration merely to the expressed specific, but to all necessary incidental privileges, which before could not be claimed, and were not enjoyed as they have been, or may be, under this treaty.

The specific and consequential concessions have already been set forth in the Case, and ought not to be restricted to the limits proposed for awarding compensation in the Answer.

So far as Newfoundland is concerned, these concessions are of great value to the United States and of corresponding detriment to British fishermen residing on the coast.

The restrictions in the Treaty of 1818 cannot be considered as in present operation as regards the rights conferred on and exercised by the United States under the Washington Treaty.

The free and uninterrupted exercise of these rights by the United States fishermen on the Newfoundland coast, since this treaty came into effect, may be accepted as a practical proof of the interpretation placed by the United States upon the Treaty of Washington.

Evidence will be submitted to prove that the United States is not a market for Newfoundland produce, except to a very limited extent, and

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either the abrogation of the Reciprocity Treaty or the Washington Treaty did in any way affect exports of Newfoundland fish to the United States, or the value of its produce, as Newfoundland fish to the United States form so insignificant a part. But as a matter of fact, since the operation of the Reciprocity Treaty, fish shipments to the United States have declined, and that nation, from the increased advantages now supplied by its own markets. The assumption that the Reciprocity Treaty has opened up to Newfoundland a free market for its fish, and that the people of that colony, consumers of its produce, is utterly untrue in reality but a barren right, as the people of Newfoundland are not to any marked extent, as compared with those of the Mediterranean, West Indies, or Brazil, consumers of fish. Only in years of great scarcity in Newfoundland is Newfoundland hard cured fish called for there. Having shown how small a percentage of the Newfoundland fish finds its way to the markets of the United States, it is clear that the remission of duties thereon, trivial in itself, as it is shown to be, cannot for a moment be considered as equivalent to the extensive fishing privileges ceded to the colony of Newfoundland.

As regards the herring fishery on the coast of Newfoundland, it is shown that to a considerable extent by the United States Fish Commission will be adduced of large exportations by the United States, particularly from Fortune Bay and the neighboring colonies, and their own markets.

The presence of United States fishermen upon the coast of Newfoundland is so far from being an advantage, as is assumed in the Case, that it is most prejudicially to Newfoundland fishermen. It is not intended to attract the fish, as asserted, but the United States vessels, visiting the coast in such large numbers for the purpose of obtaining bait, sweep the coves, and thereby diminish the supply of bait for local catches. The grounds where it would otherwise be an attraction for the fish, and incidental benefits have heretofore accrued to the colony from traffic with United States fishermen, are lost by any treaty. Since the abrogation of the Reciprocity Treaty, as stated in the Answer, that large numbers of foreign fishing vessels have been diverted from the fishery of Newfoundland, and hence the presence of the fleet of United States cod-fishing vessels upon the coast.

As has been stated in the Case that no Newfoundland fishery exists on the coast of the United States for fishing purposes, and that, even though the fisheries there may be abundant in the United States, they are utterly valueless to Newfoundland, and of no enterprise on the part of Newfoundlanders, as they have a teeming fishery at their own disposal, and do not resort to localities so remote. The case with the United States, whose fishermen are not permitted to fish on foreign fishing-grounds.

The assertion that the United States cod-fishery is of great importance, and value, if this be sustained, can hardly be used in support of the claim for compensation, but it is with force, be contended that, in view of the material benefits conferred upon the United States by

Treaty, and the free exercise of those privileges, the falling off would have been much more considerable had the treaty not existed.

The allegation on the part of the United States, "that they desired to secure the privilege of using our fisheries, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation," is not maintainable, for, while the Treaty of Washington obviates the necessity of a continuance of that vigilance in the protection of British rights, within territorial waters of the island, by throwing open all its preserves to the free use of the citizens of the United States, it must be remembered that such necessary protection was not the consequence of any right on the part of the United States, but the immediate result of a system of encroachment by the fishermen of that country in British waters, not in accordance with the observance of international rights—for, notwithstanding the Convention of 1818, they have continually attempted to participate in privileges exclusively belonging to the subjects of Her Britannic Majesty, thus causing much annoyance and vexation between the two nations, and forcing, as it were, the present arrangement, to avoid difficulties between two peoples whose mercantile as well as social and hereditary connections should be characterized by respect for mutual rights.

APPENDIX E.

DOCUMENTS FILED WITH THE SECRETARY OF THE HALIFAX COMMISSION, AND READ AT THE SITTING HELD ON THE 30TH DAY OF JULY, 1877, IN SUPPORT OF THE "CASE OF HER BRITANNIC MAJESTY'S GOVERNMENT."

I.

Extract of a report from Mr. E. H. Derby to the Hon. William H. Seward, dated January, 1867, p. 44.

The number of vessels in the fisheries has ranged since 1850 from 2,414 to 3,815 in 1862, besides boats in the shore fisheries. Six hundred sail of these vessels have in a single season fished for mackerel in the Gulf of St. Lawrence and Bay of Chaleurs, and taken fish to the amount of \$4,500,000.

NOTE.—Nearly one-fourth of our fishing-fleet, with a tonnage of 40,000 to 50,000 tons, worth \$5,000,000 to \$7,000,000 annually, fish near the three-mile line of the provinces.

II.

Extract from the same report, p. 78.

In 1865 vessels in the cod-fishery are estimated to average from 800 to 1,000 quintals of dry fish. In the mackerel business, from 500 to 700 barrels. Dry fish are now worth \$8 to \$9 per quintal, and mackerel \$12 to \$15 per barrel.

III.

Extract from the same report, p. 79.

Estimate of the fisheries of the United States for 1859, by Hon. L. Sabine, Secretary of Boston Board of Trade.

The tonnage alone is official. The sea and whale are estimated on official data; the shell, lake, river, &c., rest on some well-ascertained facts.

Sea (as cod, hake, haddock, mackerel, halibut, pollack, and sea-herring):

| | |
|-----------------------------|-------------|
| Tonnage | 175,306 |
| Value of fish and oil | \$6,730,000 |
| Capital invested | \$7,280,000 |

NOTE.—The official tonnage is less. The difference is added for boats employed in the shore fisheries, which are neither enrolled nor licensed.

IV.

Fisheries of Prince Edward Island, pursued by

GOVERNMENT HOUSE, CHARLOTTETOWN

SIR: With reference to your dispatch No. 510 on November last, I have now the honor to transmit to the executive council of the 12th February, instant, on the fisheries and fish trade of this province, in connection with the compensation provided for by Article XXII of the Treaty of 1763, as required by his excellency the governor-general, a copy of the address of the legislative council and of the executive council of 1763, both therein referred to.

I have the honor to be, sir, your most obedient, humble servant,
F

The Hon. the SECRETARY OF STATE,

Ottawa.

Extracts from minutes of the executive council of Prince Edward Island

COUNCIL CHAMBER, CHARLOTTETOWN

At a meeting of the executive council in committee on the 12th February, 1873.
Present: Mr. Owen, Mr. Haviland, Mr. Brecken, Mr. Sullivan, Mr. Strong, Mr. McDonald, Mr. Arsenault.
The following minute was adopted and ordered to be read to the honor the administrator of the government:

1. The executive council in committee having had under consideration several communications from the government of the United States respectively the 15th October, 16th November, and 17th December, 1873, requesting this government to furnish a report on the fisheries and fish trade of this island, connected with the compensation provided by Article 22 of the Treaty of Washington, 1794, as follows:

2. That in any estimate which may be made of the value of the fisheries, no credit can be given or allowance made for the privileges accorded to the inhabitants of this island by the provisions of said treaty, inasmuch as the fisheries in and about this island are in a comparatively primitive state, and as yet without the aid of multifarious appliances of bay-nets, traps, weirs, &c., which have destroyed the sea-coast and inland fisheries of the United States.

3. The situation of this island in the Gulf of St. Lawrence is one of the best fishing stations in the world, whilst a few hundred miles of sea-coast every mile abounds in cod, haddock, salmon, and mackerel, as well as other fish, during the season. Thus situated, fishermen are induced to use its harbors instead of other ports of the Dominion on the mainland.

4. With a weekly line of steamers from Charlottetown to New York, and daily communication by rail with the different outports, the American fisherman will be enabled to place his fish in the United States market at a cost of one dollar per barrel, whereas on this island, receive new outfits, and continue his fishery, thus saving the long and dangerous passage to

from the United States, as well as enabling vessels to make three or four successful trips instead of one.

5. The best evidence of the value of "free fishery" to the citizens of the United States may be shown by the decrease in their tonnage and men from 1862 to 1868. In 1862, whilst they enjoyed the benefit of the Reciprocity Treaty of 1854, the United States had employed in the cod and mackerel fishery 203,000 tons, which diminished in 1868 to 84,000 tons. Last year the United States had, according to a late report, "one thousand vessels engaged in the mackerel fishery alone, worth not less than \$5,000,000, manned by more than 12,000 seamen; and the town of Gloucester, Mass., alone sent out more than 400 of these vessels."

6. In connection with these facts, it may not be out of place here to state, that Mr. Consul Jackson, in his "Report on the commercial relations of the Dominion and the United States," places the total provincial fisheries at \$11,759,530, and the United States fisheries at \$7,000,000. Owing to the very imperfect manner in which our statistics have been collected, it is difficult to obtain reliable data on the question, as far as we are concerned. For example, in the report above referred to, Prince Edward is put down as yielding only \$169,580.90, which is below our export alone for that year. Besides this, our exports could not possibly show what fish were taken inside the "three-mile line" by our own fishermen, much less by foreigners.

Annexed, marked A, is a statistical return showing the description of property used in the fisheries, and the quantity of fish caught by our fishermen, within the three-mile line, for the year 1871, by which it appears that only about two per cent. of our population are engaged in fishing pursuits; that the average value catch per man for the same is two hundred dollars, the whole catch about three hundred and twenty thousand dollars, and the number of persons engaged therein 1,646.

7. It is alleged, as we believe untruly, that the great portion of the mackerel taken by the United States fishing-fleet is obtained or caught outside the "three-mile line," but this we do not believe to be the fact, as we have no doubt, from information obtained from persons actually engaged in the fishing business, that "inside" and "outside" fishing are indispensable to the success of the voyage, and that the inside fishery in general is more productive and remunerative than the outside fishery.

8. From the 1st July to the 1st October is the mackerel season around our coasts, during which time the United States fishing-fleet pursues its work; and as it has been shown that in 1872 over one thousand sail of United States schooners from 40 to 100 tons were engaged in the mackerel fishery alone, from this fact, together with our experience arising from the collection of "Light money" (now abolished), as well as from actual observation, a fair average of United States vessels fishing around our coast during the season referred to may be safely stated at three hundred sail; and as a season's work is usually about six hundred barrels per vessel, we may fairly put down one-third of the catch as taken inside the "three-mile limit;" which should give the following result: 300 sail at 200 barrels each, 60,000 barrels, at say \$5 per barrel for net cost of fish above \$300,000, as the yearly value of the mackerel alone taken from our shores; or, as has been shown in paragraphs, each one of our own men engaged in the inshore mackerel fishing in boats shared two hundred dollars per man.

9. It will be perceived that the preceding observations relate solely to the mackerel fishery, by far the most important in our estimation;

AWARD OF THE FISHERY COMMISSION

her descriptions of fisheries within the three to prosecute which is accorded to citizens (receive to be more than an equivalent for the led to British subjects on the American coast. This government trusts that one of the most not be overlooked at the conference about the preservation of our fisheries, by making effectual fishing offal on the fishing grounds, as well as ponds, weirs, &c., unless under very stringent regulations. In conclusion, we beg to bring to the notice of the annexed minute of council, bearing down together with the address forwarded to Her Majesty's houses of the local legislature, during the claims of the people of this province due to them from the United States Government, as detailed in said minute of council and a government of the Dominion may be enabled to settle these claims by an earnest appeal to the United States Government through the instrument of a mission.

Statistics of abstract returns from the census taken in the Island in the year 1871.

Number of fishing establishments
 of mackerel cured last year
 of herring or alewives
 of codfish or hake
 of hake cured last year
 of fish-oil made last year
 of preserved shell and other fish prepared last year
 taken last year, value £368 10s
 of fish barrels manufactured last year
 of cooper-shops
 of boats owned for fishing purposes
 of men engaged in fishing
 of barrels of, increase
 and alewives, decrease
 quintals, decrease
 decrease in gallons
 died.

WILLIAM
Assistant

Claim for refund of duties on fish and

[Copy.]

meeting of a committee of the executive council of the island, in the council chamber, on the 2d day of August 1871. Present: The honorable Mr. Pope, the honorable Mr. Secretary, Mr. Richards, Mr. Attorney-General. The following minute, addressed to the Right Honorable Majesty's principal Secretary of State for the Colonies, of his lordship's dispatch, No. 48, of date 10th July 1871, by the Lieutenant-Governor Robinson, was adopted and ordered to be handed to the lieutenant-governor of the island. Right Honorable Earl Kimberly, Her Majesty's Secretary of State for the Colonies, &c.:

The committee of the executive council of Prince Edward Island have had under consideration your lordship's dispatch, No. 48, dated the 30th December, 1871, addressed to Lieutenant-Governor Robinson, on the subject of the "refund of duties collected in the United States on fish-oil and fish exported from Prince Edward Island during the season of 1871;" also dispatch, No. 59, dated 25th July, from Lieutenant-Governor Robinson to your lordship on the same subject; also copy of a dispatch dated at Washington, 12th May, 1871, addressed to Earl Granville by Sir Edward Thornton, British Minister at Washington, and inclosing a letter which he had received from Hamilton Fish, esq., of the Department of State, Washington, dated 8th May, 1871, with Sir E. Thornton's reply thereto, on the subject of a proposed provisional arrangement he wished to make with the respective colonies named therein until legislative action could be had.

In Mr. Fish's letter of 8th May last he proposed to Sir Edward Thornton in the following words, viz :

That as the treaty could not come into full operation until the legislation contemplated in that instrument shall have taken place, and as it seems to be in accordance with the interests of both governments, in furtherance of the objects and spirit of the treaty, that the citizens of the United States should have the enjoyment of that liberty during the present season, I am directed by the President to express to you his hope that Her Majesty's Government will be prepared, in the event of the ratification of the treaty, to make on their own behalf and to urge the government of the Dominion of Canada, of Prince Edward Island, and of Newfoundland to make, for the season referred to, within their respective jurisdictions, such relaxations and regulations as it may respectively be in their power to adopt, with a view to the admission of American fishermen to the liberty which it is proposed to secure to them by the treaty. The Government of the United States would be prepared at the same time to admit British subjects to the right of fishing in the waters of the United States, specified in the treaty; but as the admission into the United States, free of duty, of any articles which are by law subject to duty cannot be allowed without the sanction of Congress, the President will, in case the above suggestion meets the views of the British Government, recommend and urge upon Congress, at their next session, that any duties which may have been collected on and after the first day of July next on fish-oil and fish, the produce of the fisheries of the Dominion of Canada and of Prince Edward Island, shall be returned and refunded to the parties paying the same, if a similar arrangement is made with respect to the admission into the British Possessions of fish-oil and fish (with certain exceptions as in the treaty), being the produce of the fisheries of the United States.

The proposal was agreed to by the government of Prince Edward Island, at the urgent request of Her Majesty's Imperial Government, and on the 24th of July last an order was issued in accordance therewith. From that date American fishermen had free use of the inshore fisheries of this island, and landed fish and fish-oil without being charged any duty therefor; while the merchants of this island, placing full faith and confidence in Mr. Fish's proposal, exported their fish to the United States, relying implicitly on the good faith of the United States Government and never doubting but that the President would recommend to and urge upon Congress the expediency of making provision for the refunding of the duties which they had paid.

The committee of the executive council now learn with great surprise that, on inquiries being made on the subject of refunding those duties, the United States Government have replied that the President did not intend to urge upon Congress the introduction of a bill in accordance with Mr. Fish's proposition. It would appear that the ground taken by the President of the United States for declining to recommend to Congress the introduction of a bill having for its object the refund of the duties paid on British fish during the past season is, that his "proposal, made through Mr. Fish in May last, contemplated the united action of

AWARD OF THE FISHERY COMMISSION

the British colonies, and that it would not be practicable to separate and carry into effect for one what the President was willing to amend for all those colonies.

The committee submit that the Treaty of Washington itself recognizes the power of each colonial government or legislature to act for itself independently of the other; that no legislation on the part of one of the governments can interfere with, or affect, or bind the territory within the jurisdiction of any other colonial government.

That the government of this island did, on the recommendation of Her Majesty's Imperial Government, on the 24th July last, issue an order issued by Mr. Fish, giving effect to the treaty within this island, and admitting American fishermen to the free use of its fisheries during the season of 1871; that American fishermen at once availed themselves of this valuable privilege, and during the season of 1871 were not molested in the prosecution of the fisheries around the shores of this island.

That the United States consul resident here was duly notified of the arrangements made in favor of American fishermen, and that Sir Edward Barton was at the same time informed by telegraph, by Lieutenant-Governor Robinson, that the proposals of Mr. Fish were agreed to by the government of this island; that the Government of the United States accepted all the advantages thus conferred upon their fishermen during the whole season of 1871; and now when the season has ended, and in application to them to fulfill their part of the agreement thus voluntarily made, they repudiate the payment of the equivalent for the advantages they received, on the ground that the whole of the provinces named in the treaty have not virtually accepted their proposals.

That they purposed taking this course they should at once, on becoming aware that the Government of the Dominion of Canada had not acceded to their proposals, have intimated to the government of this island, through the proper official channel, that it was not their intention to fulfill their own stipulations unless united action was taken on them by the colonies, and have forbidden their fishermen to fish within the league of the shores of Prince Edward Island.

That in funding those duties to the parties who pay the same is, by Mr. Fish's proposal, made contingent only on the suggestion meeting with the approval of the British Government, and not by any united action of the colonial governments. That it did meet the approval of Her Majesty's Imperial Government is proved by your lordship's dispatch, No. 10, dated 17th June, 1871, addressed to Lord Lisgar, as well as by the action of the government of this island, on the 24th July last, admitting the free admission, during the present season, of American fish and of American fishermen to the ports of this island, and of American fishermen to the league of the inshore fisheries thereof.

That the committee of the executive council, therefore, consider it to be their duty to call the special attention of your lordship to this extraordinary breach of faith on the part of the United States Government, which our mercantile men will sustain heavy pecuniary losses, and trust that Her Majesty's Imperial Government will cause the British Minister at Washington to continue earnestly to urge upon the United States Government the necessity of paying a claim the justice of which cannot be disputed.

That the Treaty of Washington not having yet been ratified by the legislatures of the several provinces named therein, the moral effect of the repudiation by the United States of the provisional arrangement of last

season will, if such a course be persisted in, materially strengthen the opposition to measures necessary to give effect to the said treaty.

JAMES O. POPE.

J. HEATH HAVILAND,

Colonial Secretary.

FREDERICK BREKEN,

Attorney-General.

A. A. McDONALD.

WM. RICHARDS.

JOHN LEFURGY.

(Certified.)

WILLIAM O. DESBRISAY,

Assistant Clerk Executive Council.

To the Queen's Most Excellent Majesty :

MOST GRACIOUS SOVEREIGN: We, Your Majesty's dutiful and loyal subjects, the legislative council and house of assembly of Your Majesty's island, Prince Edward, in colonial parliament convened, desire to approach Your Majesty and respectfully submit to Your Majesty that, in a dispatch dated Dowling street, 17th June, 1871, addressed by the right honorable the Earl Kimberley, Your Majesty's principal secretary of state for the colonies, to the lieutenant-governor of Prince Edward Island, with which dispatch were inclosed copies of the treaty signed at Washington, on May 8, by the Joint High Commissioners; of two notes which had passed between Sir Edward Thornton and Mr. Fish; and of a dispatch of even date addressed by Earl Kimberley to the governor-general of Canada, stating the views of Her Majesty on these important documents, Your Majesty's Imperial Government strongly urged upon the government of Prince Edward Island that, for the reasons stated in the dispatch of Earl Kimberley to the governor-general of Canada, the same course should be pursued as in 1854; and the application made by the United States Government should be acceded to by Prince Edward Island, so that American fishermen should be allowed, during the season of 1871, the provisional use of the privileges granted to them by the treaty.

That in deference to the wishes of your Imperial Government, the government of this island promptly sanctioned the admission of American fishermen to the liberty which was intended to be secured to them by the Treaty of Washington, 1871.

That the note of Mr. Fish to Sir Edward Thornton, dated 8th May, 1871, was considered by the government of this island a proposition on behalf of the Government of the United States, "That should the government of Prince Edward Island admit American citizens to fish within the territorial waters of Your Majesty on the coasts of this island during the year of 1871, the Government of the United States would recommend and urge upon Congress, at their next session, that any duties which should be collected on and after the 1st July, 1871, on fish-oil and fish, the produce of the fisheries of Prince Edward Island, should be returned and refunded to the parties paying the same, should a similar arrangement be made with respect to the admission into Prince Edward Island of fish-oil and fish being the produce of the fisheries of the United States."

That several of Your Majesty's subjects and others, citizens of the United States, imported into the United States from Prince Edward Island, during the year 1871, quantities of fish-oil and fish, the produce of the fisheries of Prince Edward Island.

AWARD OF THE FISHERY COMMISS

though such importers of fish-oil and fish b
the duties collected by the United States G
July, 1871, upon such fish-oil and fish, suc
rned to them.

ie Government of the United States, as we
r not refunding such duties, that the pro
te to Sir Edward Thornton, in May, 1871
tion of all the British North American Co
it be practicable to separate them, or ca
Edward Island what the President of the
recommend for all those colonies.

n the 26th September, 1871, Mr. Isaac O.
, largely engaged in the exportation of fis
d to the United States, addressed to the I
land a note, in which he stated in effect t
United States led to the belief that the ref
mada to give effect to the Treaty of Wash
to the interests of this islands, and prejud
duties.

o this note of Mr. I. C. Hall, Lieutenant-G
n a note dated 29th September, 1871, that
prehensions were unfounded, which opinio
by Sir Edward Thornton, speaking for your
ent.

he duties paid to the United States Govern
July, 1871, on fish-oil and fish, the produce
Edward Island for that season, amount to
of which sum about \$22,212 were paid by

ost humbly submit to Your Majesty, th
s subjects who in the year 1871 imported fi
ed States, under the circumstaues here
; that the duties collected thereupon by
ient would be refunded to them, and whose
duties has been refused by the Governu
ould not be allowed to suffer the loss of su
nited States Government construing the off
ote of the 8th May differently from the sei
and acted upon by the government of Pri
nasmuch as neither the government of this
jesty's subjects who claim the return of su
bring this subject to the attention of the
itates, we humbly pray that Your Majesty wi
our gracious consideration, in order that ju
Your Majesty's subjects who now suffer lo
itates Government refusing to fulfill the couc
der which the citizens of the United States
o fish within the territorial waters of You
' this island, and to prosecute the fisheries
n this island, upon equal terms with the

Statement of the fishing licenses issued to American fishing-vessels during the year 1906 in the several provinces forming the Dominion of Canada, with the names of owners, tonnage, port, amount of license-fee, and name of issuing officer.

NOVA SCOTIA.

| Name of vessel. | Owners. | Port. | Tons. | Mon. | Where issued. | Name of officer. | Rate per ton. | Amount of license-fee. |
|------------------------|-----------------------|----------------|-------|------|----------------|------------------|---------------|------------------------|
| Lancet..... | N. Gaidner..... | Not given..... | 46 | 10 | Not given..... | Not given..... | 40 | 36 |
| Charger..... | W. H. Thurston..... | do..... | 51 | 11 | do..... | do..... | 50 | 55 |
| Grace Darling..... | ..... | do..... | 45 | 10 | do..... | do..... | 50 | 45 |
| A. J. Franklin..... | ..... | do..... | 53 | 11 | do..... | do..... | 50 | 56 |
| Gem of the Ocean..... | ..... | do..... | 33 | 9 | do..... | do..... | 50 | 16 |
| Emporia..... | R. Ford..... | do..... | 50 | 13 | do..... | do..... | 50 | 55 |
| M. S. Wetherall..... | N. A. McKinney..... | do..... | 55 | 13 | do..... | do..... | 50 | 56 |
| Henry Clay..... | John Stewart..... | do..... | 61 | 14 | do..... | do..... | 50 | 50 |
| J. P. Ober..... | W. Guptill..... | do..... | 52 | 13 | do..... | do..... | 50 | 50 |
| Andrew Johnson..... | S. Webber..... | do..... | 57 | 15 | do..... | do..... | 50 | 50 |
| Eben Dale..... | W. McCann..... | do..... | 49 | 12 | do..... | do..... | 50 | 44 |
| Arequippa..... | Horace Murray..... | do..... | 65 | 14 | do..... | do..... | 50 | 50 |
| Bridget Ann..... | A. W. Rowe..... | do..... | 46 | 11 | do..... | do..... | 50 | 50 |
| Arizona..... | A. Lewis..... | do..... | 62 | 15 | do..... | do..... | 50 | 50 |
| George Clarke, Jr..... | E. Wharf..... | do..... | 55 | 14 | do..... | do..... | 50 | 50 |
| Regalia..... | A. Pinkham..... | do..... | 51 | 13 | do..... | do..... | 50 | 45 |
| Chameleon..... | R. N. Cushing..... | do..... | 47 | 13 | do..... | do..... | 50 | 50 |
| H. S. Rowe..... | J. F. Sargent..... | do..... | 55 | 12 | do..... | do..... | 50 | 50 |
| Allen Lewis..... | R. R. Wright..... | do..... | 53 | 13 | do..... | do..... | 50 | 46 |
| Chas. H. Brown..... | B. J. Cook..... | do..... | 57 | 14 | do..... | do..... | 50 | 50 |
| Bay State..... | W. Walsh..... | do..... | 48 | 13 | do..... | do..... | 50 | 44 |
| John W. Brown..... | W. Whalen..... | do..... | 50 | 10 | do..... | do..... | 50 | 45 |
| Commodore Foote..... | W. Dempsey..... | do..... | 52 | 14 | do..... | do..... | 50 | 46 |
| Hella Gilmour..... | A. Burnham..... | do..... | 45 | 19 | do..... | do..... | 50 | 50 |
| Eastern Queen..... | William Carline..... | do..... | 51 | 13 | do..... | do..... | 50 | 45 |
| M. A. Porter..... | M. Nelson..... | do..... | 49 | 11 | do..... | do..... | 50 | 44 |
| John Somes..... | W. M. Harty..... | do..... | 56 | 14 | do..... | do..... | 50 | 50 |
| Morning Star..... | John Carlet..... | do..... | 47 | 13 | do..... | do..... | 50 | 43 |
| Sunshine..... | George F. Rogers..... | do..... | 56 | 14 | do..... | do..... | 50 | 50 |
| Mary Lowe..... | S. W. Smith..... | do..... | 47 | 14 | do..... | do..... | 50 | 45 |
| Henry Elsworth..... | R. Pinkham..... | do..... | 53 | 16 | do..... | do..... | 50 | 50 |
| Mary Ellen..... | R. McLean..... | do..... | 52 | 15 | do..... | do..... | 50 | 46 |
| Wild Region..... | N. Thurston..... | do..... | 45 | 14 | do..... | do..... | 50 | 42 |
| David Brown..... | F. Thomas..... | do..... | 52 | 16 | do..... | do..... | 50 | 50 |
| Norhner..... | J. L. Ronkey..... | do..... | 45 | 12 | do..... | do..... | 50 | 43 |

Statement of the fishing-licenses issued to American fishing-vessels during the year 1868, &c.—Continued.

| Name of vessel. | Owners. | Port. | Tons. | Men. | Where issued. | Name of officer. | Rate per ton. | Amount of license-fee. |
|----------------------|-------------------------|----------------|-------|------|----------------|------------------|---------------|------------------------|
| Sila Gawa..... | C. F. Revant..... | Not given..... | 74 | 17 | Not given..... | Not given..... | \$0 | \$37 00 |
| W. H. Thurston..... | James Thorburn..... | do..... | 48 | 14 | do..... | do..... | 50 | 24 00 |
| Rainbow..... | Joseph Slinnett..... | do..... | 37 | 12 | do..... | do..... | 50 | 18 50 |
| Reliance..... | George Brown..... | do..... | 46 | 14 | do..... | do..... | 50 | 23 00 |
| Fanny R..... | J. H. Donnelly..... | do..... | 53 | 16 | do..... | do..... | 50 | 26 50 |
| Florence..... | G. Parsons..... | do..... | 45 | 15 | do..... | do..... | 50 | 23 50 |
| Right Bower..... | A. F. Cunningham..... | do..... | 53 | 17 | do..... | do..... | 50 | 26 50 |
| E. F. Bartlett..... | J. Bartlett..... | do..... | 57 | 16 | do..... | do..... | 50 | 28 50 |
| Geo. W. Reed..... | W. Reed..... | do..... | 47 | 13 | do..... | do..... | 50 | 23 50 |
| Bounding Billow..... | C. Mahar..... | do..... | 53 | 15 | do..... | do..... | 50 | 26 50 |
| Abbey M. Heath..... | E. Hogg..... | do..... | 49 | 16 | do..... | do..... | 50 | 24 50 |
| Flying Mist..... | L. Hobbs..... | do..... | 52 | 14 | do..... | do..... | 50 | 26 00 |
| Bun..... | N. P. Spear..... | do..... | 66 | 17 | do..... | do..... | 50 | 33 00 |
| Wild Bower..... | Charles Lufkin..... | do..... | 67 | 18 | do..... | do..... | 50 | 33 50 |
| Sarah Franklin..... | William Collins..... | do..... | 40 | 11 | do..... | do..... | 50 | 20 00 |
| Joseph McLean..... | H. S. Hopkins..... | do..... | 51 | 15 | do..... | do..... | 50 | 25 50 |
| Yankee Maid..... | S. Thurston..... | do..... | 53 | 15 | do..... | do..... | 50 | 26 50 |
| Edward Everett..... | G. W. Ingersoll..... | do..... | 55 | 16 | do..... | do..... | 50 | 27 50 |
| Twilight..... | C. M. Curtis..... | do..... | 44 | 12 | do..... | do..... | 50 | 22 00 |
| Ceylon..... | M. V. Beverage..... | do..... | 48 | 11 | do..... | do..... | 50 | 24 00 |
| A. H. Lennox..... | G. P. Colby..... | do..... | 52 | 14 | do..... | do..... | 50 | 26 00 |
| James Seward..... | S. P. Stevenson..... | do..... | 47 | 14 | do..... | do..... | 50 | 23 50 |
| Hockanon..... | E. T. Carlton..... | do..... | 40 | 11 | do..... | do..... | 50 | 20 00 |
| C. V. Minot..... | J. D. Blagden..... | do..... | 45 | 11 | do..... | do..... | 50 | 22 50 |
| Look Out..... | John Dags..... | do..... | 48 | 13 | do..... | do..... | 50 | 24 00 |
| Centre Point..... | David Oster..... | do..... | 52 | 16 | do..... | do..... | 50 | 26 00 |
| S. E. Snow..... | T. Oster..... | do..... | 47 | 12 | do..... | do..... | 50 | 23 50 |
| Lawrence..... | John Tannee..... | do..... | 45 | 12 | do..... | do..... | 50 | 22 50 |
| Ocean Gem..... | T. W. Stewart..... | do..... | 36 | 10 | do..... | do..... | 50 | 18 00 |
| Ida May..... | J. Blatchford..... | do..... | 45 | 11 | do..... | do..... | 50 | 22 50 |
| R. D. Haskins..... | D. Melanson..... | do..... | 52 | 15 | do..... | do..... | 50 | 26 00 |
| Flora Temple..... | William West..... | do..... | 51 | 16 | do..... | do..... | 50 | 25 50 |
| J. J. Burns..... | J. R. McDonald..... | do..... | 52 | 16 | do..... | do..... | 50 | 26 00 |
| Live Yankee..... | G. C. Johnson..... | do..... | 49 | 14 | do..... | do..... | 50 | 24 50 |
| Water Sprite..... | Ira Foss..... | do..... | 46 | 14 | do..... | do..... | 50 | 23 00 |
| Martha..... | J. A. Crossman..... | do..... | 41 | 13 | do..... | do..... | 50 | 20 50 |
| B. K. Hough..... | G. A. Clement..... | do..... | 57 | 15 | do..... | do..... | 50 | 26 50 |
| Kearnsage..... | William M. Clement..... | do..... | 54 | 17 | do..... | do..... | 50 | 27 00 |
| Fish Hawk..... | Levi McLean..... | do..... | 44 | 14 | do..... | do..... | 50 | 22 00 |
| Queen Lodge..... | William Thomas..... | do..... | 49 | 14 | do..... | do..... | 50 | 21 00 |
| Martha Allen..... | J. M. Allen..... | do..... | 47 | 15 | do..... | do..... | 50 | 23 50 |

| | | | | | | |
|-----------------------|--------------------------|----------|----------|----|----|----|
| Belle | FL. M. Collins | do | do | 14 | 48 | 50 |
| M. M. Bartlette | J. Bartlette | do | do | 18 | 60 | 50 |
| Everett Steel | J. Lundarkin | do | do | 18 | 63 | 50 |
| Starlight | C. H. Trussell | do | do | 11 | 31 | 50 |
| Lucelle Curtis | M. Whelan | do | do | 16 | 58 | 50 |
| Telegraph | J. Hutchins | do | do | 17 | 56 | 50 |
| M. C. Row | Albert Tarr | do | do | 18 | 65 | 50 |
| Flora Temple | C. Willard | do | do | 13 | 34 | 50 |
| John Wealey | C. C. Poole | do | do | 14 | 46 | 50 |
| Humboldt | O. N. Parsons | do | do | 16 | 47 | 50 |
| Grey Eagle | William S. Whitton | do | do | 13 | 48 | 50 |
| A. McDonald | William Johnson | do | do | 15 | 49 | 50 |
| James Baker | W. McLaren | do | do | 17 | 53 | 50 |
| Mountain Laurel | B. McLaren | do | do | 13 | 50 | 50 |
| S. A. Parkhurst | A. Stevens | do | do | 14 | 48 | 50 |
| Clarissa | J. Edwards | do | do | 7 | 16 | 50 |
| Riverdale | John Scott | do | do | 14 | 52 | 50 |
| R. C. Parsons | James Box | do | do | 12 | 41 | 50 |
| Babine | G. E. Lane | do | do | 14 | 45 | 50 |
| Circassian | J. Sylvestre | do | do | 16 | 49 | 50 |
| Oak Grove | Samuel Burgess | do | do | 17 | 52 | 50 |
| Equator | John Shea | do | do | 13 | 40 | 50 |
| Robert Gurnet | John Foley | do | do | 14 | 45 | 50 |
| Lida Lizzie | J. Tralick | do | do | 12 | 38 | 50 |
| Pocumtuck | W. Crowell | do | do | 13 | 50 | 50 |
| Tanniscott | J. McVane | do | do | 10 | 29 | 50 |
| West Point | A. Watson | do | do | 12 | 38 | 50 |
| Abby Morse | H. J. Hopkins | do | do | 12 | 34 | 50 |
| Brilliant | W. C. Calter | do | do | 10 | 33 | 50 |
| Adelbert | A. Farnham | do | do | 14 | 54 | 50 |
| Greyhound | S. Dyer | do | do | 15 | 56 | 50 |
| Ripley Ropes | F. Boynton | do | do | 14 | 53 | 50 |
| Young Sultan | M. Barter | do | do | 13 | 51 | 50 |
| A. R. Andrews | P. Flaherty | do | do | 13 | 50 | 50 |
| Alfalfa | J. Power | do | do | 13 | 47 | 50 |
| Galena | R. Seston | do | do | 18 | 72 | 50 |
| Yankee Lass | H. Dunton | do | do | 15 | 61 | 50 |
| C. Johnson | Samuel Rich | do | do | 14 | 51 | 50 |
| Ella Francis | W. Rich | do | do | 11 | 48 | 50 |
| Dashing Wave | Ezra Hall | do | do | 15 | 52 | 50 |
| Herald | D. Dixon | do | do | 16 | 55 | 50 |
| Twilight | F. Grover | do | do | 14 | 48 | 50 |
| Delia Maria | Thomas Colohan | do | do | 13 | 46 | 50 |
| George | S. J. Parsons | do | do | 8 | 28 | 50 |
| Ianthe | H. D. Combs | do | do | 12 | 49 | 50 |
| Voltaire | Grafton Sears | do | do | 8 | 38 | 50 |
| Peerless | James Aylwood | do | do | 14 | 51 | 50 |
| Congress | P. N. Nason | do | do | 13 | 44 | 50 |
| Julia Decker | T. P. Dunton | do | do | 15 | 52 | 50 |
| Esperanza | W. MacFarland | do | do | 11 | 40 | 50 |
| Isabella | H. A. Hammond | do | do | 12 | 51 | 50 |
| Blue Belle | T. Parsons | do | do | 16 | 52 | 50 |

Statement of the fishing-licenses issued to American fishing-vessels during the year 1866, &c.—Continued.

| Name of vessel. | Owners. | Port. | Tons. | Men. | Where issued. | Name of officer. | Rate per ton. | Amount of license-fee. |
|-------------------------|-----------------------|-----------------|-------|------|-----------------|------------------|---------------|------------------------|
| Joe Hooker | O. Thomas | Not given | 54 | 15 | Not given | Not given | \$0 50 | \$27 00 |
| Witchcraft | V. Grant | do | 51 | 13 | do | do | 50 | 25 50 |
| Princess | E. Hopkins | do | 53 | 15 | do | do | 50 | 26 50 |
| Oscar | P. Mallock | do | 48 | 12 | do | do | 50 | 24 00 |
| D. H. Mansfield | J. W. Prowl | do | 37 | 17 | do | do | 50 | 18 50 |
| Pacific | N. G. McMahon | do | 45 | 13 | do | do | 50 | 22 50 |
| Abbey H. Suasey | Gharles Griffin | do | 52 | 14 | do | do | 50 | 26 00 |
| Olivia Maria | C. McDonald | do | 50 | 14 | do | do | 50 | 25 00 |
| Wingaer Sheek | E. Butler | do | 61 | 16 | do | do | 50 | 30 50 |
| Black Swan | P. Mullin | do | 49 | 13 | do | do | 50 | 24 50 |
| General Sherman | S. Goodwin | do | 62 | 16 | do | do | 50 | 31 00 |
| E. R. Nickerson | A. Nickerson | do | 53 | 14 | do | do | 50 | 26 50 |
| H. M. Lyons | G. W. Myner | do | 57 | 15 | do | do | 50 | 28 50 |
| Monitor | John W. Rich | do | 60 | 15 | do | do | 50 | 30 00 |
| Edward L. Cook | Edward Morris | do | 58 | 16 | do | do | 50 | 29 00 |
| Village Bride | D. V. Thirburne | do | 64 | 15 | do | do | 50 | 32 00 |
| Atlantic | B. McCombs | do | 35 | 12 | do | do | 50 | 17 50 |
| Waterfall | H. Campbell | do | 57 | 15 | do | do | 50 | 28 50 |
| Osceola | A. W. Caldes | do | 44 | 13 | do | do | 50 | 22 00 |
| Julia Parsons | D. Douglass | do | 74 | 18 | do | do | 50 | 37 00 |
| General Grant | J. Orchard | do | 77 | 16 | do | do | 50 | 38 50 |
| A. W. Dodd | E. A. Harton | do | 43 | 12 | do | do | 50 | 21 50 |
| Leaping Water | J. Duntun | do | 50 | 10 | do | do | 50 | 25 00 |
| C. B. Jones | Henry Smith | do | 58 | 14 | do | do | 50 | 29 00 |
| Monterey | George Byers | do | 37 | 12 | do | do | 50 | 18 50 |
| Collector | C. B. Crockett | do | 53 | 15 | do | do | 50 | 26 50 |
| Onille | B. Bailey | do | 21 | 9 | do | do | 50 | 10 50 |
| F. Skilling | Moses Griffin | do | 46 | 13 | do | do | 50 | 23 00 |
| W. T. Emerson | B. T. Warren | do | 69 | 16 | do | do | 50 | 34 50 |
| Joseph Story | C. H. Owen | do | 51 | 14 | do | do | 50 | 25 50 |
| Witch of the Wave | Lewis Smith | do | 48 | 13 | do | do | 50 | 24 00 |
| Revenne | U. J. Morey | do | 35 | 13 | do | do | 50 | 17 50 |
| H. M. Woodward | George H. Smith | do | 74 | 17 | do | do | 50 | 37 00 |
| M. A. Brewer | W. G. Turner | do | 43 | 13 | do | do | 50 | 21 50 |
| M. J. Sewell | Levi Raff | do | 49 | 12 | do | do | 50 | 21 00 |
| Highland Lass | R. Smith | do | 47 | 14 | do | do | 50 | 23 50 |
| Altamaha | William Brown | do | 51 | 13 | do | do | 50 | 25 50 |
| Laure Jayward | F. H. Brown | do | 57 | 15 | do | do | 50 | 28 50 |
| Sarah Ellen | Trueman Sott | do | 35 | 11 | do | do | 50 | 17 50 |
| Hattie Lawie | C. Macpherson | do | 48 | 12 | do | do | 50 | 24 00 |
| Shooting Star | H. Langbecker | do | 58 | 14 | do | do | 50 | 30 00 |

Statement of the fishing-licenses issued to American fishing-vessels during the year 1866, &c.—Continued.

| Name of vessel. | Owners. | Port. | Tons. | Men. | Where issued. | Name of officer. | Rate per ton. | Amount of license-fee. |
|------------------------|------------------------|-----------------|-------|------|-----------------|------------------|---------------|------------------------|
| Finback | C. A. Thomson | Not given | 96 | 15 | Not given | Not given | \$0 50 | \$18 00 |
| Helen Maria | D. B. Thurston | do | 43 | 12 | do | do | 50 | 21 50 |
| Priscilla Brown | B. N. Sylvestre | do | 34 | 10 | do | do | 50 | 17 00 |
| Charlotte Brown | Seth Hatch | do | 58 | 15 | do | do | 50 | 29 00 |
| Hannibal | A. T. Hardy | do | 39 | 12 | do | do | 50 | 19 50 |
| Annie Treeman | M. Reed | do | 51 | 14 | do | do | 50 | 25 50 |
| Sunny Side | John Grant | do | 46 | 14 | do | do | 50 | 23 00 |
| D. C. Maxwell | C. Maxwell | do | 52 | 15 | do | do | 50 | 26 00 |
| Joe Hooker | J. E. Grindle | do | 56 | 15 | do | do | 50 | 28 60 |
| John Prew | E. M. Staples | do | 45 | 13 | do | do | 50 | 22 50 |
| Golden Rule | B. J. Staples | do | 42 | 12 | do | do | 50 | 21 00 |
| Paragon | J. B. Morse | do | 45 | 13 | do | do | 50 | 22 50 |
| Dacotah | Thomas F. Hodges | do | 51 | 15 | do | do | 50 | 25 50 |
| Fanny Fern | Edward Hern | do | 48 | 13 | do | do | 50 | 24 00 |
| Electric Flash | J. McDonald | do | 52 | 16 | do | do | 50 | 26 00 |
| Colonel Cook | George Bearse | do | 54 | 14 | do | do | 50 | 27 00 |
| Harriet Smantha | A. Blake | do | 49 | 14 | do | do | 50 | 24 50 |
| S. S. Day | Henry Hardy | do | 54 | 14 | do | do | 50 | 27 00 |
| Sea Spray | E. Evans | do | 49 | 11 | do | do | 50 | 24 50 |
| G. F. Keen | Aldin Keen | do | 63 | 16 | do | do | 50 | 31 50 |
| General Butler | George Whalen | do | 53 | 14 | do | do | 50 | 26 50 |
| L. A. Dodd | H. Knowlton | do | 61 | 15 | do | do | 50 | 30 50 |
| George O. Hovey | D. Roberts | do | 55 | 14 | do | do | 50 | 27 50 |
| O. H. Robinson | Thomas Berry | do | 42 | 13 | do | do | 50 | 21 00 |
| Silver Moon | D. Jewett | do | 53 | 16 | do | do | 50 | 29 00 |
| Eleineur | William H. Lowe | do | 37 | 11 | do | do | 50 | 18 50 |
| Waverley | A. C. Studly | do | 51 | 12 | do | do | 50 | 25 50 |
| Eliza Abby | Edward Hill | do | 39 | 9 | do | do | 50 | 19 50 |
| C. C. Pettingill | B. Allen | do | 46 | 13 | do | do | 50 | 23 00 |
| George H. Rogers | C. W. Osier | do | 72 | 17 | do | do | 50 | 36 00 |
| Oriental | D. W. Hillier | do | 52 | 13 | do | do | 50 | 26 00 |
| Webster | S. P. Grant | do | 50 | 15 | do | do | 50 | 25 00 |
| Monteruma | D. W. Lowe | do | 54 | 15 | do | do | 50 | 27 00 |
| Alcola | William Davis | do | 40 | 12 | do | do | 50 | 20 00 |
| James Poole | William Pinkham | do | 51 | 13 | do | do | 50 | 25 50 |
| Volunteer | J. B. Smith | do | 58 | 14 | do | do | 50 | 26 00 |
| High Flyer | James Turner | do | 49 | 14 | do | do | 50 | 24 50 |
| Fleetwing | S. Gibson | do | 50 | 13 | do | do | 50 | 25 00 |
| M. S. Manson | W. Lewis | do | 52 | 15 | do | do | 50 | 26 00 |
| Luther Dana | Levi Blake | do | 50 | 13 | do | do | 50 | 25 00 |
| New England | N. M. Hodgson | do | 48 | 11 | do | do | 50 | 23 00 |

[illegible]

AWARD OF THE FISHERY COMMISSION.

Statement of the fishing-licenses issued to American fishing-vessels during the year 1866, &c.—Continued.

| Name of vessel. | Owners. | Port. | Tons. | Men. | Where issued. | Name of officer. | Rate per ton. | Am't of license fee. |
|---------------------|------------------|-------------------|--------|------|---------------|------------------|---------------|----------------------|
| Clara B. Warren | J. Brown | Gloucester, Mass. | 51 | 15 | Not given | Not given | \$0 50 | \$25 00 |
| Azelda and Laura | S. McIndoe | Georgetown | 109 | 17 | do | do | 50 | 54 50 |
| S. C. Nightingale | M. Small | Eastport, Me. | 48 | 12 | do | do | 50 | 24 50 |
| Hannah Eldridge | J. Hodson | Booth Bay, Me. | 79 | 14 | do | do | 50 | 39 00 |
| J. F. Lane | J. Baker | do | 29 | | do | do | 50 | 14 55 |
| William Index | B. Phalan | do | 53 | | do | do | 50 | 16 50 |
| Rena | George E. Keen | Wallborough, Me. | 59 | 15 | do | do | 50 | 29 50 |
| Sunbeam | James Coolen | Belfast, Me. | 59 | 13 | do | do | 50 | 29 50 |
| Forest Queen | S. F. Condon | do | 45 | 9 | do | do | 50 | 22 50 |
| Cora Greenwood | Chandler Jewitt | do | 32 | 12 | do | do | 50 | 16 00 |
| Eldorado | A. Spottard | Southport | 74 | 15 | do | do | 50 | 37 00 |
| Ocean Pearl | Asa Pearl | Newburyport | 124 | 19 | do | do | 50 | 62 00 |
| William Keen | Joseph Denyn | Wallborough, Me. | 50 | 14 | do | do | 50 | 25 00 |
| Willie G. | S. L. Hodgen | Southport | 59 | 14 | do | do | 50 | 29 50 |
| Cadet | G. S. Williams | Gloucester, Mass. | 60 | 14 | do | do | 50 | 30 00 |
| Leonard McKenzie | Samuel Merchant | do | 64 | 15 | do | do | 50 | 32 00 |
| Fannie Gilmour | A. W. McKenzie | do | 90 | 17 | do | do | 50 | 45 00 |
| Granada | Edward Geary | Gloucester, Mass. | 59 | 15 | do | do | 50 | 29 50 |
| Oasis | Angus McDonald | North Haven | 56 | 13 | do | do | 50 | 28 00 |
| Fleetwood | Rufus Young | do | 56 | 10 | do | do | 50 | 24 00 |
| B. Haskill | William Fry | Gloucester, Mass. | 48 | 13 | do | do | 50 | 24 00 |
| Lodi | P. Hennessy | do | 50 | 11 | do | do | 50 | 25 00 |
| E. A. D. Hoit | G. H. Lowe | do | 61 | 18 | do | do | 50 | 40 50 |
| Atlantic | Henry Pierce | Southport, Me. | 64 | 14 | do | do | 50 | 32 00 |
| Ratler | Ben Baice | Gloucester, Mass. | 82 | 16 | do | do | 50 | 41 00 |
| Saul | James H. Rand | Southport, Me. | 53 | 11 | do | do | 50 | 26 50 |
| Florence Reed | Jos. Simpson | Gloucester, Mass. | 61 | 14 | do | do | 50 | 30 50 |
| Queen of the Fleet | M. S. Brewer | Southport, Me. | 68 | 16 | do | do | 50 | 34 00 |
| Eliaba Holmes | O. B. Fitch | Gloucester, Mass. | 53 | 14 | do | do | 50 | 26 50 |
| Light Foot | J. C. Sherlock | do | 56 | 13 | do | do | 50 | 28 00 |
| Mystic Tie | F. D. Dunton | Woolwich, Me. | 40 | 9 | do | do | 50 | 20 00 |
| Sammel Wonsen | Harry Williams | Gloucester, Mass. | 50 | 10 | do | do | 50 | 25 00 |
| Annie Sargent | J. K. McIntyre | Booth Bay | 66 | 14 | do | do | 50 | 33 00 |
| Rambler | John Cameron | Gloucester, Mass. | 67 | 13 | do | do | 50 | 33 50 |
| Flying Fish | J. E. Thomson | do | 72 | 17 | do | do | 50 | 36 00 |
| Belle Brandon | David A. Beane | Southport, Me. | 60 | 12 | do | do | 50 | 30 00 |
| Freedom | W. A. Mackay | Gloucester, Mass. | 49 | 11 | do | do | 50 | 24 00 |
| Charles Carrol | Thomas Hodge | do | 58 | 14 | do | do | 50 | 26 00 |
| Village Belle | John Adams | Booth Bay | 64 | 12 | do | do | 50 | 32 00 |
| Arotio | George B. Dunton | Southport | 59 | 12 | do | do | 50 | 29 50 |
| Total, 354 vessels. | | | 18,779 | | | | | 0,389 50 |

CANADA (PROVINCE OF QUEBEC).

| Name of vessel. | Owners. | Port. | Tons. | Men. | Where issued. | Name of officer. | Rate per ton. | Amount of license-fee. |
|-------------------------|--------------------------|-------------------------|-------|------------|------------------------------|------------------|---------------|------------------------|
| Charles Shearer..... | Samuel W. Brown | Gloucester, Mass | 97 | Not given. | On board La Canadienne | P. Fortin | \$0 50 | \$48 50 |
| Empire State | S. Smith, sr | do | 57 | do | do | do | 50 | 28 50 |
| Carrie S. Dagle | Charles Dagle | do | 74 | do | do | do | 50 | 37 00 |
| Eastern Light | J. O. Procter | do | 70 | do | do | do | 50 | 35 00 |
| Juliet | Thomas H. Phillips | Newburyport, Mass | 44 | do | do | do | 50 | 22 00 |
| Geo. B. McClellan | W. S. Jordan | Waldborough, Me | 66 | do | do | do | 50 | 33 00 |
| Abbie | R. A. Howes | Boston, Mass | 33 | do | do | do | 50 | 16 50 |
| Abden Keen | N. S. Jordan | Waldborough, Me | 53 | do | do | do | 50 | 26 50 |
| Samuel W. Brown | Waterman T. Keen | do | 55 | do | do | do | 50 | 27 50 |
| Ada L. Harris | Ariel Smith | Gloucester, Mass | 43 | do | do | do | 50 | 21 50 |
| Total, 10 vessels ..... | ..... | ..... | 592 | ..... | ..... | ..... | ..... | 296 00 |

NEW BRUNSWICK.

| | | | | | | | | |
|----------------------|-----------------------|--------------------|----|---|------------------|----------------------|--------|---------|
| Peryntha Davis | Nehemiah Ingall | Mount Desert | 26 | 5 | St. Andrew | J. H. Whitlock | \$0 50 | \$13 00 |
|----------------------|-----------------------|--------------------|----|---|------------------|----------------------|--------|---------|

PRINCE EDWARD ISLAND.

| | | | | |
|------------------|----------|-----------------------------|--------|------------|
| 89 vessels | 5,565.58 | Amount of license-fee | \$0 60 | \$3,339 35 |
|------------------|----------|-----------------------------|--------|------------|

RECAPITULATION.

| Provinces. | Vessels. | Tons. | Rate per ton. | Amount of license-fee. |
|----------------------------|----------|-----------|---------------|------------------------|
| Nova Scotia | 354 | 18,779 | \$0 50 | \$9,389 50 |
| New Brunswick | 1 | 26 | 50 | 13 00 |
| Quebec | 10 | 592 | 50 | 296 00 |
| Prince Edward Island | 89 | 5,565.58 | 50 | 3,339 35 |
| Total | 454 | 24,962.58 | ..... | 13,037 85 |

AWARD OF THE FISHERY COMMISSION.

| Name of vessel. | Owner. | | Not given | Port Molgrave. | V. J. Wallace | Amount of license fee. |
|------------------------|------------------------|----|-----------|----------------|---------------|------------------------|
| Martha A. Brewer | William J Turner | 44 | Not given | Port Molgrave. | V. J. Wallace | \$1 00 |
| Mary Ellen | William Wharf | 54 | do | do | do | 1 00 |
| Wild Pigeon | N Thureston | 46 | do | do | do | 1 00 |
| Ida C Spafford | G. Spafford | 47 | do | do | do | 1 00 |
| Banner | D. McFarlane | 46 | do | do | do | 1 00 |
| Rushlight | James Cushing | 57 | do | do | do | 1 00 |
| Forest Queen | Daniel Smith | 51 | do | do | do | 1 00 |
| Lilly Dale | W. Gardner | 56 | do | do | do | 1 00 |
| Wingetabeek | K. Butler | 55 | do | do | do | 1 00 |
| General Grant | Thomas Perry | 50 | do | do | do | 1 00 |
| Wm. T. Merchant | Patrick Malady | 63 | do | do | do | 1 00 |
| Montana | M. M. Walsh | 54 | do | do | do | 1 00 |
| Isabel L. Pierce | D. Y. Pierce | 77 | do | do | do | 1 00 |
| Corra Morrison | Charles Higgins | 71 | do | do | do | 1 00 |
| Serena Ann | Charles B. Clark | 52 | do | do | do | 1 00 |
| Sea Witch | A. Bruen | 49 | do | do | do | 1 00 |
| Finbeck ..... | ..... | 96 | do | do | do | 1 00 |
| F. M. Loring ..... | ..... | 55 | do | do | do | 1 00 |
| Fleetwing ..... | ..... | 49 | do | do | do | 1 00 |
| Leonard B. Shaw ..... | ..... | 36 | do | do | do | 1 00 |
| Laura M. Mangan ..... | ..... | 54 | do | do | do | 1 00 |
| Wild Rover ..... | ..... | 67 | do | do | do | 1 00 |
| Sea Flower ..... | ..... | 33 | do | do | do | 1 00 |
| Omaga ..... | ..... | 47 | do | do | do | 1 00 |
| General Grant ..... | ..... | 76 | do | do | do | 1 00 |
| Good Templar ..... | ..... | 47 | do | do | do | 1 00 |
| Northern Star ..... | ..... | 58 | do | do | do | 1 00 |
| Colonel Cook | | 54 | do | do | do | 1 00 |
| | William Davis | | | | | |
| | George Beane | | | | | |

AWARD OF THE FISHERY COMMISSION.

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| | | | | | |
|-------------------------|---------------------|---------------------|----|----|-----|
| Y..... | J. M. Farnham | Walden, Mass. | do | do | 109 |
| tion..... | A. G. Rich | Walden, Mass. | do | do | 109 |
| o | H. H. Farnham | Walden, Mass. | do | do | 109 |
| mbard | John B. Rich | Walden, Mass. | do | do | 109 |
| phos | F. A. Lombard | Truro, Mass. | do | do | 109 |
| Snow | Allan W. Rich | Hingham, Mass. | do | do | 109 |
| lle | M. Antoine | Cohasset, Mass. | do | do | 109 |
| re | Manuel Enos | do | do | do | 109 |
| Walton | William Coos | Gloucester, Mass. | do | do | 109 |
| re | M. K. Parsons | Provincetown, Mass. | do | do | 109 |
| re | John Freeman | do | do | do | 109 |
| re | John T. Wiley | Hingham, Mass. | do | do | 109 |
| Bruce Phalus | John Collins | Provincetown, Mass. | do | do | 109 |
| Hartlet Torrey | J. W. Edwards | Cohasset, Mass. | do | do | 109 |
| Gililand Queen | John Collins | Gloucester, Mass. | do | do | 109 |
| E. K. Dresser | Charles Reed | Booth Bay, Mo. | do | do | 109 |
| Eastern Light..... | John R. Howard | Gloucester, Mass. | do | do | 109 |
| M. C. Rowe | Albert Tarr | do | do | do | 109 |
| Mary Snow | S. J. Rich | Truro, Mass. | do | do | 109 |
| Millie Washburn | James E. Atwood | Provincetown, Mass. | do | do | 109 |
| Pescador | do | Gloucester, Mass. | do | do | 109 |
| Alaska | do | Gloucester, Mass. | do | do | 109 |
| Barbara Fritchbie | do | do | do | do | 109 |
| Chalcedony | do | do | do | do | 109 |
| William Sutton | Charles Lee | Castine, Me. | do | do | 109 |
| Juliet M. Fildes | R. H. Sylvester | do | do | do | 109 |
| Emma J. Gott | E. A. Rich | Provincetown, Mass. | do | do | 109 |
| Highland Chief | J. A. Freeman | Truro, Mass. | do | do | 109 |
| Golden Eagle | J. G. Rand | Provincetown, Mass. | do | do | 109 |
| Thos. Fish | George Pettigrew | Norwich, Conn. | do | do | 109 |
| Kit Carson | James E. Rich | Provincetown, Mass. | do | do | 109 |
| W. H. Atwood | E. A. Grass | Wellfleet, Mass. | do | do | 109 |
| Kita E. Sylvester | George R. Sylvester | Deer Isle, Me. | do | do | 109 |
| Alan Lewis | F. K. Reed | Booth Bay, Mo. | do | do | 109 |
| Wenonah | George Taylor | Cohasset, Mass. | do | do | 109 |
| Dudam | do | Harwich, Mass. | do | do | 109 |
| Ella L. Trisethen | do | Portland, Me. | do | do | 109 |
| Equity (boat) | Charles W. Oster | Gloucester, Mass. | do | do | 109 |
| David A. Oiler | N. Saunders | do | do | do | 109 |
| Smith Tuttle | James Wiley | Wellfleet, Mass. | do | do | 109 |
| Christie Johnson | G. Parsons | Gloucester, Mass. | do | do | 109 |
| Phoenice | Horace Mitchell | do | do | do | 109 |
| Veteran | J. Sylvester | Belfast, Me. | do | do | 109 |
| Circassian | Samuel Burgess | do | do | do | 109 |
| Oak Grove | J. M. Banks | do | do | do | 109 |
| James Jewett | W. H. Adams | Gloucester, Mass. | do | do | 109 |
| Mary Low | W. C. Newcomb | Wellfleet, Mass. | do | do | 109 |
| Maria Webster | W. P. Clerk | Frankfort, Me. | do | do | 109 |
| Amunza (boat) | James McNeill | Gloucester, Mass. | do | do | 109 |
| Abigail Brown | do | do | do | do | 109 |

Statement of the fishing-licenses issued to American fishing-vessels during the year 1867, &c.—Continued.

| Name of vessel. | Owners. | Port. | Tons. | Men. | Where issued. | Name of officer. | Rate per ton. | Amount of license fee. |
|------------------|-------------------|--------------------|-------|-----------|---------------|------------------|---------------|------------------------|
| John W. Brown | M. Whelan | Gloucester, Mass | 51 | Not given | Port Mulgrave | V. J. Wallace | \$1 00 | \$51 00 |
| A. H. Lennox | George P. Colby | Westport, Me | 62 | do | do | do | 1 00 | 62 00 |
| Hannibal | A. T. Hardy | Deer Isle, Me | 39 | do | do | do | 1 00 | 39 00 |
| Fanny | Francis Janvrin | Newburyport, Mass | 46 | do | do | do | 1 00 | 46 00 |
| Paragon | Isaac P. Morse | Salem, Mass | 37 | do | do | do | 1 00 | 37 00 |
| W. Tell (boat) | George W. Adams | Gloucester, Mass | 34 | do | do | do | 1 00 | 34 00 |
| Fanny Gilmour | N. McKinney | do | 65 | do | do | do | 1 00 | 65 00 |
| Clara B. Warren | James Brown | do | 52 | do | do | do | 1 00 | 52 00 |
| Sabine | Thomas Grady | do | 46 | do | do | do | 1 00 | 46 00 |
| Anna C. Warren | Alfred Hall | Boston, Mass | 72 | do | do | do | 1 00 | 72 00 |
| E. P. Howard | C. L. Rick | Provincetown, Mass | 45 | do | do | do | 1 00 | 45 00 |
| Right Bower | L. Hobbs | Gloucester, Mass | 52 | do | do | do | 1 00 | 52 00 |
| Winged Arrow | John R. Hunley | do | 53 | do | do | do | 1 00 | 53 00 |
| Parala | F. L. Newcomb | Boston, Mass | 39 | do | do | do | 1 00 | 39 00 |
| A. F. Lindbery | George C. Johnson | Gloucester, Mass | 50 | do | do | do | 1 00 | 50 00 |
| Samuel Chase | P. Gifford | Dartmouth, Mass | 36 | do | do | do | 1 00 | 36 00 |
| Telegraph | John E. Kemp | Wellfleet, Mass | 67 | do | do | do | 1 00 | 67 00 |
| Lucille Curtis | M. Whelan | Gloucester, Mass | 45 | do | do | do | 1 00 | 45 00 |
| Faunie L. Nye | R. W. Laird | Hingham, Mass | 59 | do | do | do | 1 00 | 59 00 |
| Tidal Wave | S. D. Rich | do | 40 | do | do | do | 1 00 | 40 00 |
| Sunshine | George S. Rogers | Gloucester, Mass | 56 | do | do | do | 1 00 | 56 00 |
| Fish Hawk | L. N. McLean | do | 49 | do | do | do | 1 00 | 49 00 |
| Joe Hooker | Oliver Thomas | do | 56 | do | do | do | 1 00 | 56 00 |
| West Point | S. Jeffery | do | 46 | do | do | do | 1 00 | 46 00 |
| Ceylon | W. V. Beverage | North Haven, Me | 61 | do | do | do | 1 00 | 61 00 |
| M. L. Wetherall | N. McKinney | Gloucester, Mass | 53 | do | do | do | 1 00 | 53 00 |
| Mary S. Hurd | J. F. Nixon | Chatham, Mass | 53 | do | do | do | 1 00 | 53 00 |
| Laura A. Dodd | Harvey Knowlton | Gloucester, Mass | 90 | do | do | do | 1 00 | 90 00 |
| Oliver Cromwell | B. M. Trip | Nantucket, Mass | 47 | do | do | do | 1 00 | 47 00 |
| Cadet | George H. Clark | Gloucester, Mass | 42 | do | do | do | 1 00 | 42 00 |
| Lightfoot | Charles H. Nnte | do | 53 | do | do | do | 1 00 | 53 00 |
| R. E. Atwood | Abisha Doane | Harwich, Mass | 74 | do | do | do | 1 00 | 74 00 |
| Alice P. Higgins | N. P. Higgins | Wellfleet, Mass | 61 | do | do | do | 1 00 | 61 00 |
| B. D. Prince | E. R. Atwood | do | 49 | do | do | do | 1 00 | 49 00 |
| Indus (boat) | Z. Rich | Provincetown, Mass | 25 | do | do | do | 1 00 | 25 00 |
| Sea Spray | E. Evans | Newburyport, Mass | 50 | do | do | do | 1 00 | 50 00 |
| Ocean Gem | J. Daniels | Gloucester, Mass | 47 | do | do | do | 1 00 | 47 00 |
| Arizona | William Lawrence | do | 69 | do | do | do | 1 00 | 69 00 |
| Lottie F. Babson | W. Greenleaf | do | 53 | do | do | do | 1 00 | 53 00 |
| Leona Walton | R. D. Terry | Gloucester, Mass | 46 | do | do | do | 1 00 | 46 00 |
| Whispering Star | James W. Mason | Cape Cod, Mass | 44 | do | do | do | 1 00 | 44 00 |

AWARD OF THE FISHERY COMMISSION.

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| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------------------|-------------------|---------|--------------|--------------|----------------|----------------|-----------|-------------|------------------|--------|-------------|-----------------|--------|-------------|--------------|-----------|----------------|---------|------------|-------------|-----------|------------|---------------|------------|---------------|----------|-----------------|----------|-------------------|--------------|--------------|------------|------------|-----------------|--------------|--------------|
| St | R. E. Smith | Gloucester, Mass | do | do | do | 61 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | W. R. Gendle | do | do | do | do | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | W. Welsh | do | do | do | do | 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | William Thomas | do | do | do | do | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | George M. Purves | do | do | do | do | 39 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | M. Hovous | do | do | do | do | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ote | W. Dempsey | do | do | do | do | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | James S. Bell | do | do | do | do | 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Joseph Martin | do | do | do | do | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | John Power | do | do | do | do | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | W. Mullock | Eastport, Me. | do | do | do | 63 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| wa | B. G. Cook | Gloucester, Mass | do | do | do | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | R. D. Torrey | do | do | do | do | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | A. L. Colby | Westport, Me. | do | do | do | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | E. Pinkham | Gloucester, Mass | do | do | do | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | John Gould | Booth Bay, Me. | do | do | do | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | do | do | do | do | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | Gloucester, Mass | do | do | do | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | do | do | do | do | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | do | do | do | do | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | W. McEllen | do | do | do | do | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | George Thurburn | do | do | do | do | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | J. B. Smith | do | do | do | do | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | A. C. Adams | do | do | do | do | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | E. Cobb | do | do | do | do | 61 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | R. D. Cobb | Truro, Mass | do | do | do | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | S. Nickerson | do | do | do | do | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | W. D. Barter | do | do | do | do | 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | George W. Pierce | do | do | do | do | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Alexander Smith | do | do | do | do | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | A. C. Thomas | do | do | do | do | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | J. J. Coffin | do | do | do | do | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | A. J. Hammond | do | do | do | do | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | John Peterson | do | do | do | do | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | R. J. Hopkins | Vinal Haven, Me | do | do | do | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | A. E. Small | Southport, Me | do | do | do | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | T. H. Teel | Saint George, Me | do | do | do | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | H. M. Collins | Gloucester, Mass | do | do | do | 39 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Alonso Holbrook | do | do | do | do | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | John Scott | do | do | do | do | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Lawrence Money | do | do | do | do | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Freeman Gott | Swan's Island, Me | do | do | do | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | E. Thomas | do | do | do | do | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Robert McLear | do | do | do | do | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | G. W. Hilyard | do | do | do | do | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Hugh Kuley | do | do | do | do | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Stephen Smith | do | do | do | do | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | J. F. Critches | do | do | do | do | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | C. B. Jewett | do | do | do | do | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | E. Tarlton | do | do | do | do | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | A. F. York | do | do | do | do | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Daniel Greenleaf | do | do | do | do | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Allee M. Gould | Telegraph | Charger | Centre Point | G. G. Kidder | Andrew Johnson | W. H. Thurston | Volunteer | Isaac Somes | Laura F. Chester | Vision | Flying Mist | Eastern Clipper | Archer | Ocean Lodge | Weatherguage | Ann Maria | H. B. Stanwood | Fashion | Abby Morse | Prima Donna | Chaparral | Eliza Jane | H. A. Johnson | Riversdale | Ellen Frances | Traverse | David Brown, jr | Eldorado | B. E. Nightingale | Robert Emmet | Empire State | T. S. Mayo | Mary Lisie | Sarah E. Babson | Annes Cutler | Fred L. Webb |

AWARD OF THE FISHE

| | D. Ingersoll | Gloucester, Mass | Not given | Port Mulgrave | V. J. Wallace | Rate per ton. | Amount of license fee. |
|------------------|-----------------|------------------|-----------|---------------|---------------|---------------|------------------------|
| Martha A. Porter | ..... | ..... | 51 | ..... | ..... | \$1 00 | \$11 00 |
| Express | ..... | ..... | 50 | do | do | 1 00 | 50 00 |
| Good Templar | ..... | ..... | 46 | do | do | 1 00 | 46 00 |
| Energy | ..... | ..... | 51 | do | do | 1 00 | 51 00 |
| Roger Williams | ..... | ..... | 53 | do | do | 1 00 | 53 00 |
| John Wesley | ..... | ..... | 46 | do | do | 1 00 | 46 00 |
| Mary R. Dyer | ..... | ..... | 51 | do | do | 1 00 | 51 00 |
| Samuel F. Sawyer | ..... | ..... | 51 | do | do | 1 00 | 51 00 |
| Twilight | ..... | ..... | 50 | do | do | 1 00 | 50 00 |
| Margaret | ..... | ..... | 43 | do | do | 1 00 | 43 00 |
| Mountain Laurel | ..... | ..... | 50 | do | do | 1 00 | 50 00 |
| Deeotah | ..... | ..... | 51 | do | do | 1 00 | 51 00 |
| Thos. Hunt | ..... | ..... | 61 | do | do | 1 00 | 61 00 |
| Golden Eagle | ..... | ..... | 44 | do | do | 1 00 | 44 00 |
| | A. Foster | ..... | 61 | do | do | 1 00 | 61 00 |
| | James W. Jordan | ..... | 50 | do | do | 1 00 | 50 00 |
| | L. McClintock | ..... | 48 | do | do | 1 00 | 48 00 |
| | E. C. Harris | ..... | 53 | do | do | 1 00 | 53 00 |

AWARD OF THE FISHERY COMMISSION.

[illegible]

AWARD OF THE FISHERY COMI

RECAPITULATION.

| PROVINCES. | Vessels. | Tons. | Amount of license-fee. | Rate per ton. | Amount of license-fee. |
|----------------------------|----------|------------|----------------------------------|---------------|------------------------|
| Nova Scotia | 269 | 12,928 | Amount of license-fee..... | \$1 00 | \$12,928 00 |
| Prince Edward Island | 96 | 1,469 1/8 |do..... | 1 20 | 1,766 92 1/2 |
| Total | 265 | 15,417 1/8 | Total amount of license-fee..... | ..... | 15,714 92 1/2 |

W. F. WHITCHER,
Commissioner of Fisheries.

DEPARTMENT OF MARINE AND FISHERIES,
Ottawa, December 31, 1876.

Statement of the fishing-boatsmen issued to American fishing-vessels during the year 1888, in the several provinces forming the Dominion of Canada, with the names of owners, tonnage, port, amount of license-fee, and name of issuing-officer.

PROVINCE OF NOVA SCOTIA.

| Name of vessel. | Owners. | Port. | Tonnage. | Where issued. | Name of officer. | Rate per ton. | Amount of license-fee. |
|------------------|---------------------|--------------------|----------|---------------|------------------|---------------|------------------------|
| Venella | James W. Eaton | Castine, Me. | 54 | Port Mulgrave | V. J. Wallace | 22 00 | \$108 00 |
| Fashion | J. Lewis | Gloucester, Mass. | 46 | do | do | 2 00 | 96 00 |
| Telegraph | Patrick Fanning | do | 67 | do | do | 2 00 | 134 00 |
| H. Atwood | S. Foster | do | 61 | do | do | 2 00 | 128 00 |
| F. Dunbar | Joseph Dunbar | do | 61 | do | do | 2 00 | 128 00 |
| J. G. Terr | Daniel Douglas | do | 70 | do | do | 2 00 | 140 00 |
| Chanticleer | George M. Aray | do | 39 | do | do | 2 00 | 66 00 |
| Martha Ann | R. F. Jewett | do | 69 | do | do | 2 00 | 138 00 |
| R. A. Kingsbury | William Mulloch | do | 35 | do | do | 2 00 | 110 00 |
| Freedom | Moses M. Murray | do | 32 | do | do | 2 00 | 64 00 |
| C. R. Jones | Henry Smith | do | 47 | do | do | 2 00 | 94 00 |
| Abigail Brown | James McNeil | do | 44 | do | do | 2 00 | 88 00 |
| J. W. Fairfield | Adin Storey | do | 38 | do | do | 2 00 | 76 00 |
| Hiram Power | James McKinnon | do | 42 | do | do | 2 00 | 84 00 |
| Charger | William H. Thurston | do | 51 | do | do | 2 00 | 102 00 |
| Tidal Wave | S. D. Rich | do | 40 | do | do | 2 00 | 80 00 |
| Grace Darling | J. L. Fernald | do | 45 | do | do | 2 00 | 90 00 |
| Wm. V. Hutchins | John Parkhurst | do | 52 | do | do | 2 00 | 104 00 |
| Indus (boat) | Z. Rich | do | 24 | do | do | 2 00 | 48 00 |
| Rio Grande | B. F. Rich | do | 37 | do | do | 2 00 | 74 00 |
| Lottie F. Babson | William Greenleaf | Gloucester, Mass. | 53 | do | do | 2 00 | 106 00 |
| Forest Queen | Albert Farr | do | 31 | do | do | 2 00 | 102 00 |
| M. L. Wetherell | S. Morrison | do | 53 | do | do | 2 00 | 106 00 |
| Lightfoot | James Wells | do | 50 | do | do | 2 00 | 100 00 |
| Equity | Thomas Kimball | do | 18 | do | do | 2 00 | 36 00 |
| Atolia | P. F. Torrey | do | 40 | do | do | 2 00 | 80 00 |
| Fanny | J. H. Gilmour | Hingham, Mass. | 45 | do | do | 2 00 | 90 00 |
| Traverse | F. Gott | Swan's Island, Me. | 43 | do | do | 2 00 | 86 00 |
| John Pew | H. Hutchings | do | 40 | do | do | 2 00 | 80 00 |
| Effort (boat) | Charles Loveland | New London, Conn. | 9 | do | do | 2 00 | 18 00 |
| Ranger | Alex Weston | Gloucester, Mass. | 37 | do | do | 2 00 | 74 00 |
| Vision | R. D. Cobb | do | 43 | do | do | 2 00 | 86 00 |
| John Wesley | C. C. Poole | do | 45 | do | do | 2 00 | 90 00 |
| L. R. Snow | William Hampson | do | 36 | do | do | 2 00 | 72 00 |
| Chalcedony | Gilbert Davis | do | 43 | do | do | 2 00 | 86 00 |
| David A. Oslar | Charles W. Oslar | do | 36 | do | do | 2 00 | 72 00 |
| Chapparel | F. E. Steele | Saint George, Me. | 41 | do | do | 2 00 | 82 00 |
| Laura Sayward | Epa, Sayward & Co. | Gloucester, Mass. | 46 | Halifax | H. W. Johnson | 2 00 | 126 00 |

| Name of vessel. | Owners. | Port. | Tons. | Days. | Where Issued. | Name of officer. | Rate per ton. | Amount of license fee. |
|-------------------------|-----------------------|--------------------|-------|-------|-----------------------------|----------------------|---------------|------------------------|
| Hy. Ellsworth | do | Gloucester, Mass. | 59 | 14 | Halifax | H. W. Johnson | \$2 00 | \$118 00 |
| Harriett Samantha | David Low & Co | do | 56 | 17 | do | do | 2 00 | 118 00 |
| Madam Roland | Phillip Johnson | do | 68 | 16 | Port Hawkesbury .. | M. McDonald | 2 00 | 134 00 |
| Alhambra | George Steel | do | 57 | 14 | do | do | 2 00 | 114 00 |
| Madawaska Maid | William Brown | do | 63 | 16 | do | do | 2 00 | 126 00 |
| Franklin A. | David Melanson | do | 65 | 17 | do | do | 2 00 | 130 00 |
| Granada | George Steel | do | 59 | 14 | do | do | 2 00 | 118 00 |
| Samuel Gilbert | do | do | 51 | 14 | do | do | 2 00 | 102 00 |
| Fleetwood | R. S. Smith | North Haven, Mass. | 55 | 14 | do | do | 2 00 | 110 00 |
| G. B. Levere | T. Calliher | Gloucester, Mass. | 58 | 15 | North Sydney | Thomas S. Bown | 2 00 | 116 00 |
| Bay State | W. Walsh | do | 59 | 13 | do | do | 2 00 | 104 00 |
| Total, 49 vessels ..... | ..... | ..... | 2,345 | ..... | Amount of license fee ..... | ..... | ..... | 4,690 00 |

CANADA (PROVINCE OF QUEBEC).

RECAPITULATION.

| Provinces. | Vessels. | Tonn. | Amount of license-fee. | Rate per ton. | Amount of license-fee. |
|----------------------------|----------|-----------|-----------------------------|---------------|------------------------|
| Nova Scotia | 49 | 2,345 | Amount of license-fee | 40 00 | 94,600 00 |
| Quebec | 7 | 209 | do | 2 00 | 134 00 |
| Prince Edward Island | 5 | 254 1/2 | do | 2 00 | 508 00 |
| Total | 61 | 2,808 1/2 | Amount of license-fee | 42 00 | 1,194 00 |

Statement of the fishing-licenses issued to American fishing-vessels during the year 1909, in the several Provinces forming the Dominion of Canada, with the names of owners, tonnage, port, amount of license-fee, and name of issuing-officer.

PROVINCE OF NOVA SCOTIA.

| Name of vessel. | Owners. | Port. | Tonn. | Where issued. | Name of officer. | Rate per ton. | Amount of license-fee. |
|-------------------------|---------------------------|-------------------------|-------|-----------------------------|---------------------|---------------|------------------------|
| Effort | Tobias Nash | Windsor, Mass. | 19 | Barrington | D. Sargent | 42 00 | 798 00 |
| Madame Roland | George Steel | Gloucester, Mass. | 63 | Hawkesbury | M. McDonald | 2 00 | 126 00 |
| Aphrodite | D. McDonald | do | 59 | do | do | 2 00 | 118 00 |
| Anna Linwood | E. W. Norvenderthal | Providence, R. I. | 73 | do | do | 2 00 | 146 00 |
| Sarah P. Davies | J. M. Thurlow | Gloucester, Mass. | 41 | Port Mulgrave | V. J. Wallace | 2 00 | 82 00 |
| Comet | Nicholas Felch | Newburyport, Mass. | 98 | do | do | 2 00 | 44 00 |
| Ranger | Alexander Weston | Camden, Me. | 37 | do | do | 2 00 | 74 00 |
| Abby Morse | E. J. Hopkins | do | 26 | do | do | 2 00 | 52 00 |
| Charger | W. H. Thurston | do | 53 | do | do | 2 00 | 106 00 |
| Mary Lisle | E. B. Jewett | do | 32 | do | do | 2 00 | 64 00 |
| Morning Star | George D. Moore | do | 43 | do | do | 2 00 | 86 00 |
| Isacota | H. Williams | do | 51 | do | do | 2 00 | 102 00 |
| Bellevue | Jno. E. Dellow | Portland, Me. | 15 | do | do | 2 00 | 30 00 |
| John Chase | W. H. Gould | Camden, Me. | 32 | do | do | 2 00 | 64 00 |
| Dauber | Isaac Fisher | Gloucester, Mass. | 44 | do | do | 2 00 | 88 00 |
| Pathfinder | B. Rogers | Eastport, Me. | 59 | do | do | 2 00 | 78 00 |
| Total, 16 vessels | | | 646 | Amount of license-fee | | 2 00 | 1,292 00 |

Statement of the fishing-licenses issued to American fishing-vessels during the year 1889, &c.—Continued.

PROVINCE OF NEW BRUNSWICK.

| Name of vessel | Owners. | Port. | Tons. | Men. | Where issued. | Name of officer. | Rate per ton. | Amount of license-fee. |
|------------------------|----------------------|--------------------|-------|------|-----------------------------|-------------------|---------------|------------------------|
| Belt | Edwin Greenlaw | Eastport, Me. | 4 | 4 | West Isles | J. R. Dixon | \$3 00 | \$3 00 |
| Daisy | do | do | 5 | 5 | do | do | 2 00 | 10 00 |
| Total, 2 vessels | | | 9 | | Amount of license-fee | | 2 00 | 13 00 |

PROVINCE OF QUEBEC.

| | | | | | | | | |
|--------------------------|-------------------------|-------------------------|-----|----|-----------------------------|-------------------|------|--------|
| Carlton | F. J. Winan Bros | Gloucester, Mass. | 63 | 16 | New Carlisle | Jno. Fraser | 2 00 | 126 00 |
| Grace Darling | G. W. Knight & Co | Camden, Me. | 45 | 14 | do | do | 2 00 | 90 00 |
| Wild Pigeon | Nath. Thurston | Gloucester, Mass. | 46 | 13 | do | do | 2 00 | 92 00 |
| Mary Ellen | William Wharf | do | 54 | 14 | do | do | 2 00 | 108 00 |
| Lizette Thompson | And. Rolf & Co | Newburyport, Mass. | 70 | 16 | do | do | 2 00 | 140 00 |
| George B. McLellan | G. T. Keene & Co | Brennan, Mass. | 66 | 13 | do | do | 2 00 | 132 00 |
| John Kennedy | do | do | 53 | 14 | do | do | 2 00 | 106 00 |
| Total, 7 vessels | | | 397 | | Amount of license-fee | | 2 00 | 794 00 |

PRINCE EDWARD ISLAND.

| | | | | |
|-----------------|--------|-----------------------------|--------|----------|
| 6 vessels | 214 38 | Amount of license-fee | \$2 40 | \$513 85 |
|-----------------|--------|-----------------------------|--------|----------|

RECAPITULATION.

| Provinces. | Vessels. | Tons. | Amount of license-fee. | Rate per ton. | Amount of license-fee. |
|---------------------------|----------|-----------|----------------------------|---------------|------------------------|
| Nova Scotia..... | 16 | 646 | Amount of license-fee..... | \$3 00 | \$1,939 00 |
| New Brunswick..... | 8 | 9 | do..... | 2 00 | 18 00 |
| Quebec..... | 7 | 327 | do..... | 2 00 | 70 00 |
| Prince Edward Island..... | 6 | 214 1/2 | do..... | 2 40 | 513 86 |
| Total | 31 | 1,996 1/2 | Amount of license-fee..... | ..... | \$2,617 86 |

W. F. WHITCHER,
Commissioner of Fisheries.

DEPARTMENT OF MARINE AND FISHERIES,
Ottawa, December 31, 1876.

Recapitulation of the fishing licenses issued to American vessels during the years of 1866, 1867, 1868, and 1869, in the several provinces forming the Dominion of Canada, with the tonnage and amount of license-fee.

| | Number of ves.-els. | Tonnage. | Amount of license-fee. |
|---------------------------|------------------------|-----------------------|---------------------------|
| 1866. | | | |
| Nova Scotia..... | 354 | 12, 779 | \$9, 269 3 |
| New Brunswick..... | 1 | 26 | 13 0 |
| Quebec..... | 10 | 592 | 296 0 |
| Prince Edward Island..... | 69 | 5, 565 $\frac{1}{2}$ | 2, 339 5 |
| | 434 | 24, 962 $\frac{1}{2}$ | 12, 037 5 |
| 1867. | | | |
| Nova Scotia..... | 269 | 13, 936 | 13, 936 0 |
| New Brunswick..... | | | |
| Quebec..... | 26 | 1, 489 $\frac{1}{2}$ | 1, 708 0 |
| Prince Edward Island..... | | | |
| | 295 | 15, 417 $\frac{1}{2}$ | 15, 714 0 |
| 1868. | | | |
| Nova Scotia..... | 49 | 2, 345 | 4, 690 0 |
| New Brunswick..... | | | |
| Quebec..... | 7 | 262 | 261 0 |
| Prince Edward Island..... | 5 | 254 $\frac{1}{2}$ | 614 5 |
| | 61 | 2, 861 $\frac{1}{2}$ | 5, 564 5 |
| 1869. | | | |
| Nova Scotia..... | 16 | 646 | 1, 292 0 |
| New Brunswick..... | 2 | 9 | 18 0 |
| Quebec..... | 7 | 397 | 794 0 |
| Prince Edward Island..... | 6 | 214 $\frac{1}{2}$ | 513 0 |
| | 31 | 1, 266 $\frac{1}{2}$ | 2, 617 0 |

Licenses issued 1866, 1867, 1868, and 1869.

| | | | |
|---------------------------|-----|-----------------------|------------|
| Nova Scotia..... | 688 | 35, 698 | 29, 299 25 |
| New Brunswick..... | 3 | 35 | 31 0 |
| Quebec..... | 24 | 1, 251 | 1, 614 0 |
| Prince Edward Island..... | 126 | 7, 523 $\frac{1}{2}$ | 6, 259 5 |
| Total..... | 841 | 44, 507 $\frac{1}{2}$ | 37, 195 25 |

W. F. WHITCHER,
Commissioner of Fisheries.

DEPARTMENT OF MARINE AND FISHERIES,
Ottawa, December 31, 1876.

VI.

Extract from annual report of Pierre Fortin, esq., in command of La Casadienne, during the season of 1865 (p 51).

The most reliable reports give not less than from 1,200 to 1,500 schooners as the number of vessels belonging to the United States, employed in the mackerel fishery in the Gulf, and the produce is estimated to exceed 300,000 barrels of fish, worth 2,000,000 of dollars. From 200 to 300 of these schooners resort to our fishery-grounds, either off the Magdalen Islands or on the coast of Gaspé, and I believe that the annual take of mackerel by those vessels is from 15,000 to 30,000 barrels. The town of Gloucester, in the State of Massachusetts, alone sends out 500 or 600 schooners to this fishery, and they are the finest vessels of the class which can be found anywhere.

ales, having been hotly pursued by nearly 60 the fifteen years preceding 1860, had become, wild, restless and suspicious; larger number in the Polar Basin. From this last cause "l up" has been greatly increased. A relaxation in the number of those in pursuit will more accessible seas and make them less suspicious.

VIII.

Extract of report of Mr. William Smith, controller of navigation laws at Saint John, New Brunswick, dated p. 13).

A practical person of this city informs me that, built a new vessel last year expressly for the Gulf of St. Lawrence and the Bay of Chateaux register, and cost, ready for sea, \$4,800. When she was employed in this trade, she took mackerel, which realized in Halifax and Boston \$ the expenses of the season, amounting to \$ hers a net profit of \$1,200, or 25 per cent. on the average catch of American fishermen, at 10 barrels of mackerel to the ton, and as the ton, it subjects the American fishermen, if the tax of about 5 cents per barrel on their fish; subjected to a duty of \$2 per barrel on taking the the United States, giving an advantage to American people of \$1.95 per barrel, which precludes competing with the Americans in the mackerel fish chief market for this description of fish.

IX.

Extract from a report on the sea and river fisheries of H. Perley, esq., Her Majesty's emigration officer at Brunswick (printed in 1852).

Page 28-9.—It was stated that early in July the first sail of American vessels fishing in Miramichi was five to ten miles from Portage Island, and that was of No. 3 mackerel. One of these schooners was seen, and went up as far as Oak Point, trading in salmon. The master of this vessel exchanged trade for each barrel of salmon, but he neither exported nor landed. He took the dimensions of the fish and told the fishermen he would furnish them with fish at half the prices they had been accustomed to. The fishing vessels have, during the last three years, on the south side of Miramichi Bay.

Page 33.—The harbor of little Shippagan is an excellent well sheltered; it is much resorted to by Americans during heavy easterly storms, and as many as nine vessels have been observed in this harbor at one time.

Page 44.—Six or seven American schooners landed in the earlier part of the season, mackerel.

X.

Return of United States mackerel-fishing vessels and their catch in 1873, as reckoned at Port Mulgrave, Nova Scotia, by the collector of customs at that port.

| Date. | Name. | Place. | First trip. | Second trip. | Total. |
|---------|-------------------------|--------------------|-------------|--------------|--------|
| 1873. | | | Bbls. | Bbls. | Bbls. |
| June 11 | James G. Tarr..... | Gloucester..... | 405 | Lost. | 405 |
| 12 | Rattler..... | do..... | 400 | 300 | 700 |
| | Waldron Holmes..... | Provincetown..... | 200 | 100 | 300 |
| 13 | Idella Small..... | Deer Isle..... | 320 | 200 | 520 |
| | General Grant..... | Gloucester..... | 380 | 220 | 600 |
| | Ida C. Baker..... | do..... | 265 | 200 | 465 |
| | Col. Cook..... | do..... | 380 | 300 | 680 |
| | S. A. Parkhurst..... | Salem..... | 445 | 205 | 650 |
| | Anner Lewis..... | Deer Isle..... | 250 | 150 | 400 |
| | Electric Flash..... | Gloucester..... | 463 | Lost. | 463 |
| | Witch Craft..... | do..... | 225 | 125 | 350 |
| | Geo. B. Loring..... | do..... | 250 | 200 | 450 |
| | Cadet..... | do..... | 300 | 250 | 550 |
| | Dawning Day..... | do..... | 315 | 200 | 515 |
| | Charles A. Roper..... | Salem..... | 220 | 200 | 420 |
| | Mary Frances..... | Deer Isle..... | 230 | 200 | 430 |
| | Merrimac..... | Wellfleet..... | 240 | 170 | 410 |
| | Nellie M. Snow..... | do..... | 300 | 145 | 445 |
| | Sarah E. Smith..... | do..... | 210 | 70 | 280 |
| 17 | Carrie Francis..... | Gloucester..... | 344 | 300 | 644 |
| | M. E. Torrey..... | Sedgwick..... | 314 | 250 | 564 |
| | Lant..... | Gloucester..... | 260 | 200 | 460 |
| | Ocean Lodge..... | do..... | 200 | 100 | 300 |
| 18 | Garibaldi..... | do..... | 200 | 150 | 350 |
| 19 | H. W. Pierce..... | Wellfleet..... | 350 | ..... | 350 |
| | Carrie P. Rich..... | Provincetown..... | 324 | Lost. | 324 |
| | Hattie B. West..... | Gloucester..... | 300 | 275 | 575 |
| | Highdier..... | do..... | 225 | Lost. | 225 |
| | Hiram Powers..... | do..... | 260 | 230 | 490 |
| | White Wing..... | Boston..... | 330 | 270 | 600 |
| | Yankee Maid..... | Camden..... | 250 | ..... | 250 |
| | Fannie L. Noye..... | Hingham..... | 300 | 140 | 440 |
| | Pocahontas..... | Gloucester..... | 180 | 270 | 450 |
| | Crystal Wave..... | Beverly..... | 167 | 135 | 302 |
| | Carrie G. Crosby..... | Boston..... | 300 | ..... | 300 |
| | Chamellon..... | do..... | 125 | 200 | 325 |
| | Albie M. Heath..... | Gloucester..... | 245 | 325 | 570 |
| | Mary Ellen..... | do..... | 240 | 200 | 440 |
| | E. A. Lombard..... | Truro..... | 310 | 140 | 450 |
| | John Sornes..... | Wellfleet..... | 200 | 110 | 310 |
| | John Noye..... | Hingham..... | 200 | 130 | 330 |
| | Gertrude Summers..... | Wellfleet..... | 250 | 100 | 350 |
| | Edward H. Norton..... | do..... | 210 | 90 | 300 |
| | Ettie E. Sylvester..... | Provincetown..... | 320 | ..... | 320 |
| | Mary Snow..... | Boston..... | 230 | 200 | 430 |
| | Lizzie W. Hannum..... | Wellfleet..... | 210 | 100 | 310 |
| | G. M. Hopkins..... | do..... | 200 | 125 | 325 |
| | Maria Webster..... | do..... | 270 | ..... | 270 |
| | Alpha..... | Cohasset..... | 230 | Lost. | 230 |
| | J. A. Smith..... | do..... | 270 | 140 | 410 |
| | Emma F. Prindle..... | Boston..... | 240 | Lost. | 240 |
| | Tidal Wave..... | Provincetown..... | 270 | 130 | 400 |
| 21 | D. H. Mansfield..... | Gloucester..... | 160 | Lost. | 160 |
| | Rosanne..... | Salem..... | 200 | 100 | 300 |
| | Typhoon..... | Gloucester..... | 200 | Lost. | 200 |
| | Golden Horn..... | Cohasset..... | 180 | 150 | 330 |
| 22 | J. H. Kennedy..... | Bremen..... | 250 | 150 | 400 |
| | Right Bower..... | Salem..... | 200 | 200 | 400 |
| | Harvest Home..... | Gloucester..... | 310 | 220 | 530 |
| | Harriet Torrey..... | Cohasset..... | 100 | 150 | 250 |
| | Catalina..... | Gloucester..... | 200 | Lost. | 200 |
| | Larmatine..... | do..... | 130 | 120 | 250 |
| | Helen M. Crosby..... | Boston..... | 330 | 250 | 580 |
| | John Few..... | Swan's Island..... | 275 | ..... | 275 |
| | Evangeline..... | Gloucester..... | 200 | 50 | 250 |
| | Sarah B. Harris..... | Boston..... | 150 | 140 | 290 |
| | Addie M. Story..... | Gloucester..... | 220 | 220 | 440 |
| | Massasoit..... | do..... | 410 | 200 | 610 |
| | B. H. Carles..... | Truro..... | 200 | 100 | 300 |
| | Arden Keene..... | Bremen..... | 250 | Lost. | 250 |
| | Tiber..... | Gloucester..... | 210 | ..... | 210 |
| | Cynosure..... | Booth Bay..... | 350 | 80 | 430 |
| | Fathfinder..... | Gloucester..... | 350 | 270 | 620 |
| | Wenonah..... | Cohasset..... | 150 | 90 | 240 |
| | Jos. Hooker..... | Gloucester..... | ..... | ..... | ..... |

Return of United States mackerel-fishing vessels, &c.—Continued.

| Date. | Name. | Place. | First trip. | Second trip. | Total. |
|---------|---------------------------|-------------------|--------------|--------------|--------------|
| 1873. | | | <i>Bbls.</i> | <i>Bbls.</i> | <i>Bbls.</i> |
| July 14 | M. J. Elliott | Wellfleet | 250 | ..... | 250 |
| | Harry Bluff | Salem | 290 | 250 | 540 |
| | Belle of the Bay | Gloucester | 210 | 140 | 350 |
| | Belle Gilmore | Gloucester | 300 | ..... | 300 |
| | Cora Greenwood | Portland | 160 | 300 | 460 |
| 18 | Corporal Trim | Orleans | 175 | ..... | 175 |
| | Howard Steele | Gloucester | 270 | 220 | 490 |
| | Alferatta | do | 200 | ..... | 200 |
| | George P. Rust | do | 250 | 150 | 400 |
| | George F. Keane | Bremen | 230 | 180 | 410 |
| | Matilda | Newburyport | 120 | 60 | 180 |
| | Charger | Gloucester | 220 | 150 | 370 |
| | Annie C. Norwood | do | 220 | ..... | 220 |
| | Royal Arch | do | 300 | ..... | 300 |
| | Argonia | Booth Bay | 220 | Lost. | Lost. |
| | Alfalfa | Gloucester | 250 | ..... | 250 |
| | Oasis | North Haven | 230 | 150 | 380 |
| | Good Templar | Gloucester | 225 | 75 | 300 |
| | J. J. Clarke | do | 220 | 240 | 460 |
| | Wm. Fisher | Portland | 250 | 220 | 470 |
| | Elihu Burritt | Gloucester | 120 | 160 | 280 |
| | George W. Brown | Newburyport | 220 | 160 | 380 |
| | Sarah Ellwell | Gloucester | 150 | ..... | 150 |
| | Rebecca S. Warren | Deer Isle | 250 | Lost. | Lost. |
| | Charles H. Hildreth | Gloucester | 300 | 250 | 550 |
| | Madawaska Maid | do | 275 | 250 | 525 |
| | Laura A. Dodd | do | 500 | ..... | 500 |
| | J. F. Allan | do | 220 | 170 | 390 |
| | Eliza Jane | do | 220 | 180 | 400 |
| | Eunice Rich | Boston | 450 | ..... | 450 |
| | Game Cook | Hingham | 200 | 160 | 360 |
| | Centurion | Gloucester | 200 | ..... | 200 |
| | Joseph Chandler | do ..... | ..... | ..... | ..... |
| | Onward | do | 260 | 90 | 350 |
| | Eliza K. Parker | do ..... | ..... | ..... | ..... |
| | Fanny R. | do ..... | (*) | ..... | ..... |
| | A. H. Whitmore | Deer Isle ..... | (*) | ..... | ..... |
| | Janet Middleton | Gloucester ..... | ..... | ..... | ..... |
| | Annie Harris | Bremen | Lost. | ..... | ..... |
| | H. B. Stanwood | Gloucester | 220 | 160 | 380 |
| | Sammie S. McKeown | Booth Bay | Lost. | ..... | ..... |
| | Elisha Crowell | Gloucester | 300 | 160 | 460 |
| | Vanguard | Southport ..... | ..... | ..... | ..... |
| | Plough Boy | Gloucester ..... | ..... | ..... | ..... |
| | Abigail | do ..... | ..... | ..... | ..... |
| | James G. Craig | Portland ..... | ..... | ..... | ..... |
| | Seddie C. Pyle | Gloucester ..... | ..... | ..... | ..... |
| | Humbolt | Southport ..... | ..... | ..... | ..... |
| | W. D. Daisley | Boston ..... | ..... | ..... | ..... |
| | Alice M. Lewis | Gloucester ..... | ..... | ..... | ..... |
| | George S. Low | do ..... | ..... | ..... | ..... |
| | Laurina | do ..... | ..... | ..... | ..... |
| | Georgiana | do ..... | ..... | ..... | ..... |
| | Racer | do ..... | ..... | ..... | ..... |
| | Charles H. Price | Salem ..... | ..... | ..... | ..... |
| | Annie Linwood | Gloucester ..... | ..... | ..... | ..... |
| | Andrew W. Dodd | do ..... | ..... | ..... | ..... |
| | Challenge | do ..... | ..... | ..... | ..... |
| | Mary Burnham | do ..... | ..... | ..... | ..... |
| | Delia Hartwell | do ..... | ..... | ..... | ..... |
| | Florence Reed | do ..... | ..... | ..... | ..... |
| | Hattie E. Smith | Newburyport ..... | ..... | ..... | ..... |
| | C. C. Pettingall | Salem ..... | ..... | ..... | ..... |
| | Romeo | Newburyport | 150 | ..... | 150 |
| | Frank Skilling | Portland | 250 | ..... | 250 |
| | Abbie Morse | Vinalhaven | 220 | ..... | 220 |
| | Rebecca J. Evans | Newburyport | 300 | ..... | 300 |
| | Lillian M. Warren | Deer Isle | 260 | ..... | 260 |
| | Beauty | Portland | 100 | ..... | 100 |
| | Mary E. Daniels | Gloucester | 275 | 250 | 525 |
| | J. W. Talbot | Portland | 120 | ..... | 120 |
| | George B. McLellan | Bremen | 300 | ..... | 300 |
| | Emma L. Rich | Wellfleet | 250 | ..... | 250 |
| | R. R. Higgins | Boston | 120 | ..... | 120 |
| | Martha T. Pike | Newburyport ..... | ..... | Lost. | Lost. |
| | Crown Point | do ..... | ..... | Lost. | Lost. |
| | David Burnham | Gloucester ..... | ..... | ..... | ..... |
| | Willie Smith | Portland ..... | ..... | ..... | ..... |
| | Charles C. Dame | Gloucester | Lost. | ..... | Lost. |

* Lost spars.

Return of United States mackerel-fishing vessels, &c.—Continued.

| Date. | Name. | From what port. | Number of trips. | Home or landed. | Date. | Number of barrels. |
|----------|-----------------------------|--------------------|------------------|-----------------|----------|--------------------|
| 1874. | | | | | 1874. | |
| Sept. 10 | Dawning Day | Gloucester, Mass. | 2d | | | 2 |
| Oct. 25 | do | do | 3d | | | 2 |
| June 16 | S. A. Parkhurst | Salem, Mass. | 1st. | Landed | Aug. 26 | 23 |
| Oct. 12 | do | do | 2d. | | | 23 |
| June 18 | Otis D. Dana | Gloucester, Mass. | 1st. | Landed | Aug. 13 | 24 |
| Oct. 20 | do | do | 2d. | | | 24 |
| June 18 | Christie Campbell | do | 1st. | Home. | Aug. 12 | 24 |
| Oct. 20 | do | do | 2d. | | | 24 |
| June 18 | Ida May | do | 1st. | Home. | Aug. 18 | 25 |
| Oct. 18 | do | do | 2d. | | | 25 |
| June 23 | Addie M. Story | do | 1st. | Landed | Aug. 19 | 25 |
| Oct. 18 | do | do | 2d. | | | 25 |
| June 23 | Arequippa | do | 1st. | Landed | Aug. 19 | 25 |
| Aug. 23 | do | do | 2d. | Refitted | Aug. 4 | 25 |
| Oct. 15 | do | do | 3d. | | | 25 |
| June 23 | T. L. Mayo | do | 1st. | Home. | Aug. 18 | 25 |
| Oct. 16 | do | do | 2d. | Home. | Aug. 19 | 25 |
| June 24 | Clytie | do | 1st. | Refitted | Sept. 3 | 25 |
| Sept. 30 | do | do | 2d. | Landed | | 25 |
| Oct. 21 | do | do | 3d. | | | 25 |
| June 24 | Charles A. Ropes | Salem, Mass. | 1st. | Landed | Aug. 23 | 25 |
| Oct. 19 | do | do | 2d. | | | 25 |
| June 24 | Schuyler Colfax | Gloucester, Mass. | 1st. | Landed | Sept. 11 | 25 |
| Oct. 19 | do | do | 2d. | | | 25 |
| June 24 | E. L. Rowe | do | 1st. | Home. | Aug. 19 | 25 |
| Oct. 15 | do | do | 2d. | | | 25 |
| June 24 | Finance | do | 1st. | Home | Aug. 15 | 25 |
| Oct. 12 | do | do | 2d. | | | 25 |
| June 24 | Wm. A. Pew | do | 1st. | Home. | Aug. 14 | 25 |
| Oct. 15 | do | do | 2d. | | | 25 |
| June 24 | Carrie E. Sayward | do | 1st. | Home. | Aug. 19 | 25 |
| Oct. 20 | do | do | 2d. | | | 25 |
| June 25 | M. E. Torrey | Sedgwick, Maine. | 1st. | Home. | Aug. 6 | 25 |
| Oct. 20 | do | do | 2d. | | | 25 |
| June 25 | Alfaretta | Gloucester, Mass. | 1st. | Landed | Sept. 1 | 25 |
| Oct. 20 | do | do | 2d. | | | 25 |
| June 25 | Eldorado | Boston, Mass. | 1st. | Landed | Aug. 27 | 25 |
| Oct. 18 | do | do | 2d. | | | 25 |
| June 25 | Mary Louise | Gloucester, Mass. | 1st. | Home. | Aug. 19 | 25 |
| Oct. 15 | do | do | 2d. | | | 25 |
| June 25 | Webster | Cape Porpoise, Me. | 1st. | Landed | Aug. 24 | 25 |
| Oct. 10 | do | do | 2d. | | | 25 |
| June 26 | Sea Spray | Newburyport, Mass. | 1st. | Landed | July 30 | 25 |
| Aug. 25 | do | do | 2d. | | | 25 |
| Oct. 5 | do | do | 3d. | | | 25 |
| June 26 | Elihu Burrett | Gloucester, Mass. | 1st. | Home. | Aug. 13 | 25 |
| Oct. 10 | do | do | 2d. | | | 25 |
| June 26 | Hiram Powers | do | 1st. | Landed | Aug. 12 | 25 |
| Sept. 14 | do | do | 2d. | | | 25 |
| Oct. 10 | do | do | 3d. | | | 25 |
| June 26 | Winfield Scott | Truro, Mass. | 1st. | Landed | Aug. 17 | 25 |
| Sept. 12 | do | do | 2d. | | | 25 |
| June 26 | Anner Lewis | Deer Isle, Me. | 1st. | Landed | Aug. 22 | 25 |
| Oct. 9 | do | do | 2d. | | | 25 |
| June 26 | James Elias | Gloucester, Mass. | 1st. | Home. | Aug. 27 | 25 |
| Oct. 10 | do | do | 2d. | | | 25 |
| June 26 | Mary J. Elliot | Booth Bay, Me. | 1st. | Landed | Aug. 6 | 25 |
| Aug. 20 | do | do | 2d. | | | 25 |
| June 26 | Market Boat, J. Story, jun. | Gloucester, Mass. | 1st. | Landed | Aug. 18 | 25 |
| Sept. 5 | do | do | 2d. | | | 25 |
| June 27 | Joseph O' | do | 1st. | Home. | Aug. 13 | 25 |
| Oct. 15 | do | do | 2d. | | | 25 |
| June 28 | Cynoeure | Booth Bay, Me. | 1st. | Home. | Seining | 25 |
| 28 | W. E. Terry | Gloucester, Mass. | 1st. | Home. | Aug. 27 | 25 |
| Oct. 28 | Dictation | do | 1st. | Landed | Aug. 27 | 25 |
| Oct. 20 | do | do | 2d. | | | 25 |
| June 28 | Oliver Eldridge | do | 1st. | Home. | Aug. 22 | 25 |
| Oct. 20 | do | do | 2d. | | | 25 |
| June 28 | Freedom | do | 1st. | Landed | Aug. 23 | 25 |
| Oct. 20 | do | do | 2d. | | | 25 |
| June 29 | Enola C | do | 1st. | Landed | Aug. 30 | 25 |
| Oct. 20 | do | do | 2d. | | | 25 |
| June 30 | Barward | do | 1st. | Landed | Aug. 14 | 25 |
| Sept. 10 | do | do | 2d. | | | 25 |
| July 1 | Clara B. Warren | do | 1st. | Landed | Aug. 27 | 25 |
| Oct. 5 | do | do | 2d. | | | 25 |

Return of United States mackarel-fishing vessels. &c.—Continued.

| Date. | Name. | From what port. | Number of trips. | Home or landed. | Date. | Number of barrels. |
|----------|---------------------|--------------------|------------------|-----------------|----------|--------------------|
| 1874. | Trenton | Gloucester, Mass. | 2d | | 1874. | |
| July 15 | David J. Adams | Salem, Mass. | 1st | Home | Aug. 21 | 12 |
| Oct. 18 | do | do | 2d | | Aug. 21 | 22 |
| July 16 | G. W. Brown | Newburyport, Mass. | 1st | Landed | Sept. 2 | 22 |
| Oct. 4 | do | do | 2d | | | 22 |
| July 16 | Ratlier | Gloucester, Mass. | 1st | Landed | | 22 |
| Nov. 3 | do | do | 2d | | Oct. 13 | 22 |
| July 16 | Martha A. Brewer | Belfast, Me. | | | | 22 |
| 16 | Lottie F. Babson | Gloucester, Mass. | 1st | Home | Sept. 9 | 22 |
| 16 | Gettysburg | do | 1st | Landed | Sept. 8 | 22 |
| Oct. 15 | do | do | 2d | | | 22 |
| July 16 | Waverly | do | 1st | Landed | Aug. 12 | 22 |
| Oct. 5 | do | do | 2d | | | 22 |
| July 17 | Annie E. Lane | do | 1st | Home | Aug. 23 | 22 |
| 18 | Mary M. | do | 1st | Home | Oct. 5 | 22 |
| 18 | A. H. Whitmore | Deer Isle, Me. | 1st | Home | Oct. 10 | 22 |
| 18 | Sarah E. Babson | Newburyport, Mass. | 1st | Landed | Aug. 18 | 174 |
| Oct. 5 | do | do | 2d | | | 14 |
| July 18 | Alhambra | Gloucester, Mass. | 1st | Landed | Aug. 18 | 240 |
| Oct. 17 | do | do | 2d | | | 73 |
| July 19 | Flora Temple | do | 1st | Home | Sept. 26 | 126 |
| 19 | Howard Steele | do | 1st | Home | Aug. 22 | 22 |
| Oct. 17 | do | do | 2d | | | 22 |
| July 19 | Edmund Burke | Newburyport, Mass. | 1st | Landed | Aug. 23 | 124 |
| Oct. 17 | do | do | 2d | | | 110 |
| July 20 | Grace L. Fears | Gloucester, Mass. | 1st | Landed | Sept. 10 | 22 |
| Oct. 17 | do | do | 2d | | | 22 |
| July 21 | Wyoming | do | 1st | Landed | Aug. 23 | 22 |
| Oct. 17 | do | do | 2d | | | 22 |
| July 22 | George B. McClellan | Portland, Me. | 1st | Landed | Aug. 17 | 22 |
| Sept. 3 | do | do | 2d | | | 22 |
| July 22 | Star of the East | Gloucester, Mass. | 1st | Landed | Aug. 23 | 22 |
| Oct. 1 | do | do | 2d | | | 22 |
| July 22 | Setagawa | do | 1st | Home | Oct. 1 | 22 |
| 22 | General Grant | do | 1st | Home | Oct. 1 | 22 |
| 25 | Col. Ellsworth | do | 1st | Refitted | Sept. 5 | 22 |
| Oct. 10 | do | do | 2d | | | 22 |
| July 27 | Mary Francis | Deer Isle, Me. | 1st | Landed | Aug. 30 | 22 |
| Sept. 30 | do | do | 2d | | | 22 |
| July 27 | Martha F. Pike | Newburyport, Mass. | 1st | Home | Oct. 5 | 22 |
| 28 | Fleetwood | North Haven, Mass. | 1st | Landed | Aug. 30 | 22 |
| Oct. 5 | do | do | 2d | | | 22 |
| July 29 | Lottie E. Cook | Newburyport, Mass. | 1st | Landed | Sept. 2 | 22 |
| Oct. 20 | do | do | 2d | | | 122 |
| July 30 | Ocean Ledge | do | 1st | Landed | Sept. 1 | 122 |
| Oct. 20 | do | do | 2d | | | 122 |
| July 31 | Abden Keene | Bremen, Me. | 1st | Landed | Aug. 23 | 122 |
| Sept. 20 | do | do | 2d | | | 122 |
| Oct. 19 | do | do | 3d | | | 122 |
| Aug. 2 | Etta Gott | Gloucester, Mass. | 1st | Landed | Sept. 1 | 222 |
| Oct. 16 | do | do | 2d | | | 222 |
| Aug. 2 | George F. Keene | Bremen, Me. | 1st | Landed | Sept. 10 | 222 |
| Oct. 16 | do | do | 2d | | | 222 |
| Aug. 3 | Deborah B. Webb | Deer Isle, Me. | 1st | Home | Oct. 6 | 222 |
| ..... | Leaping Water | Vinalhaven, Me. | 1st | Home | Sept. 6 | 222 |
| Aug. 6 | Knight Templar | Gloucester, Mass. | 1st | Landed | Oct. 5 | 222 |
| Nov. 5 | do | do | 2d | | | 222 |
| Aug. 7 | Vision | Hingham, Mass. | 1st | Home | Sept. 4 | 222 |
| 9 | Alice | Salem, Mass. | 1st | Home | Oct. 15 | 222 |
| 11 | Moro Castle (new) | Gloucester, Mass. | 1st | Home | Oct. 15 | 222 |
| 15 | Tookaleta | Portland, Me. | 1st | Home | Oct. 15 | 222 |
| 18 | Kate McClintock | Booth Bay, Me. | 1st | Home | Oct. 15 | 222 |
| 18 | Vanguard | do | 1st | Home | Oct. 25 | 222 |
| 19 | E. F. Willard | do | 1st | Home | Oct. 25 | 222 |
| 22 | Gertie Lewis | do | 1st | Home | Oct. 25 | 222 |
| 22 | Arizona | do | 1st | Home | Oct. 25 | 222 |
| 22 | James Pool | do | 1st | Home | Oct. 25 | 222 |
| 22 | Hannah Eldridge | do | 1st | Home | Oct. 25 | 222 |
| 22 | Etta E. Tanner | Gloucester, Mass. | 1st | Home | Oct. 25 | 222 |
| 22 | Water Fall | Southport, Me. | 1st | Home | Oct. 27 | 222 |
| 23 | Alice M. Gould | Portland, Me. | 1st | Landed | Oct. 10 | 222 |
| Nov. 6 | do | do | 2d | | | 222 |
| Aug. 23 | Regalia | do | 1st | Home | Oct. 10 | 222 |
| 25 | Nellie H. | Eastport, Me. | 1st | Home | Oct. 20 | 222 |
| 26 | General Grant | Booth Bay, Me. | 1st | Home | Oct. 27 | 222 |

* Sent fish home by railroad; Shediac took load potatoes home.

Return of United States mackerel-fishing vessels, &c.—Continued.

| Date. | Name. | From what port. | Number of trips. | Home or landed. | Date. | Number of barrels. |
|----------|----------------------------|------------------------|------------------|-----------------|---------|--------------------|
| 1874. | | | | | 1874. | |
| Aug. 26 | Xepbias | Rockport, Mass. | 1st* | ..... | Oct. 2 | 70 |
| 28 | A. McDonald | Portland, Me. | 1st. | Home | Oct. 18 | 240 |
| Sept. 1 | Nellie May | Salem, Mass. | 1st. | Landed | Oct. 18 | 230 |
| 1 | Twilight | Southport, Me. | 1st. | Home | Oct. 18 | 220 |
| 1 | Lettie S. Reed | do | 1st. | Home | Oct. 18 | 170 |
| 1 | Island Queen | do | 1st. | Home | Oct. 18 | 200 |
| 3 | Franklin Schenks | Rockport, Mass. | 1st. | Home | Oct. 18 | 220 |
| 3 | C. C. Warren | Gloucester, Mass. | 1st. | Seining ..... | ..... | 375 |
| 3 | Charger | do | 1st. | Home ..... | ..... | 225 |
| 3 | Sarah E. Nightingale | Eastport, Me. | 1st. | Home ..... | ..... | 200 |
| 5 | Aaron Burnham, 2nd. | Gloucester, Mass. | 1st. | Home ..... | ..... | 145 |
| 5 | Mary Burnham | do | 1st. | Home ..... | ..... | 250 |
| 6 | Samuel Wanson | do | 1st. | ..... | Nov. 6 | 240 |
| 6 | George Clarke, jun. | do | 1st. | ..... | Nov. 6 | 220 |
| 9 | John W. Dodge | do | 1st. | ..... | Nov. 6 | 100 |
| 13 | Flying Scud | do | 1st. | ..... | Nov. 6 | 250 |
| 14 | E. A. Horton | do | 1st. | ..... | ..... | 175 |
| | Ellen Francis | do | 1st. | ..... | ..... | 145 |
| Sept. 20 | C. B. Manning | do | 1st. | ..... | ..... | 275 |
| 21 | Pearless | do | 1st. | ..... | ..... | 100 |
| Oct. 3 | Alaska | do | 1st. | ..... | ..... | 125 |
| | Total ..... | ..... | ..... | ..... | ..... | 63,078½ |

* Sold at auction for debt.

† Refitted for herring.

True account.—Total number American vessels, 164. Seventeen Nova Scotia vessels average about 200 barrels each; the actual haul of the catch of Nova Scotia vessels with hook, 5,290, one vessel with nets, 210 = 5,500, or 383 barrels per vessel.

This is sea-packed barrels; they fall short about 15 pounds per barrel.

The most of those mackerel were caught about Prince Edward Island, small-size mackerel; the best and largest were caught at Magdalen Island.

This may not be a true number of barrels; only gathered this from the vessel men; they call them that quantity; it is not out of the way much either way.

The dates above are correct, and all of those vessels passed through the Gut of Canso, except one; that one fished at Sydney, C. B.—the C. C. Warren. The most of the bay mackerel were caught between East Point, P. E. I., and Georgetown, P. E. I., close inshore.

Yours, truly,

DAVID MURRAY.

Collector of Port Mulgrave.

FEBRUARY 9, 1875.

XI.

Extracts of a report on the condition of the sea-fisheries of the south coast of New England in 1871 and 1872, by Spencer F. Baird, Commissioner.

Page 7.—As might have reasonably been inferred, the supply, which formerly greatly exceeded the demand, now, to a certain extent at least, and in certain localities, has failed; and the impression has become prevalent that the fish themselves are diminishing, and that in time some kinds at least will be almost or quite exterminated. This assertion is made with reference to several species that formerly constituted an important part of the food supply, and the blame has been alternately laid upon one or another of the causes to which this result is ascribed, the fact of the decrease being generally considered as established.

Page 19.—In view of the facts adduced in reference to the shore fishes, there can be no hesitation in accepting the statement that there has been an enormous diminution in their number, although this had already occurred to a considerable degree with some species by the beginning of the present century.

Page 36.—The testimony everywhere, with scarcely an exception,

both from line-men and trappers, was that the work was pretty nearly at an end, and that it would be an attempt to continue the work on a large scale in

GENERAL SUMMARY OF RESULTS

Pages 38, 39, 40.—The general conclusions at the result of my investigations of the waters on the coast of England during 1871 and 1872 may be briefly stated as follows:

1. *The alleged decrease in the number of food fish in the past few years has been fully substantiated.*

2. *The shore fishes have been decreasing during the last few years, but more abruptly from about the year 1871 being so great as entirely to prevent summer fishing with the hook and line, and leaving the burthen of supplying the markets. This decrease, but perhaps to a certain extent, to the blue-fish. The decrease first manifested itself about ten years ago, and has since quite rapidly until now.*

3. *This period of decrease represents the time when the fish pounds have been well established, their operation by year, and their catch, especially in the early part of the year, very great.*

4. *In 1871 and 1872 the decrease in the number of fish was so great as to reduce, very largely, the profit from the fish traps.*

5. *The appearance in 1871 of an unusual large spawning fish in 1870, is a phenomenon only to be explained by the escape of a larger number of breeding fish than usual in the season, an abrupt decrease in the ravages of blue-fish, or else by a spontaneous movement northward of the fish that ordinarily would have remained on a more southern coast. These fish will probably, for several years, continue to be a burden on the fisheries, there is no evidence of the existence of young fish corresponding to the one in question.*

6. *The decrease of the fish may be considered as the result of the action of the fish pounds or weirs and the blue-fish, by capturing a very large percentage of the spawning fish, and depositing their eggs, and the latter devouring immature fish after they have passed the ordinary perils of the sea.*

7. *There are no measures at our command for the preservation of fish, nor would it be desirable to do this, in view of the fact that fish is an article of food. The alternative is to regulate the use of fish so as to prevent the destruction of fish during the spawning season.*

8. *The quickest remedy would be the absolute prohibition of fish pounds and ponds. This, however, would be a harsh measure, and regulation will probably answer the purpose of the law. Although a greater number of years will be required to answer the purpose, it may consist either in prohibiting the use of traps and nets during the entire season of the spawning of fish, or for a limited period of time each week during that season.*

9. *As the principal profit of the pounds is derived from the sale of fish during the spawning season, it will probably be found that an experiment of prohibition of the use of nets and traps during the Monday morning of each week of the spawning season would be a restriction need be imposed.*

rs have dwindled away, until at present they any, otherwise, most favorable localities.

The fact has been observed, too, that with there has been a corresponding diminution in the other deep-sea species near our coast; but recently that the relationship between the two is appreciated as those of cause and effect.

It has been reduced in abundance by overfishing with the same experience in Europe and America coincide in the opinion that none of the methods now in vogue for the cod family (including the cod, haddock, &c.) seriously affect their numbers. Fish, the female of one to two millions of eggs every year, are less they are interfered with during the spawning place in the winter and in the open sea (at the surface of the water), there is no possibility of interference with the process. Still, however, these fish are very scarce on our coast, so that our people are obliged to go to far distant regions to obtain the supply we require, and are cured almost within sight of their homes.

It is now a well-established fact that the movements of the cod family are determined, first, by the season of the deposit of their eggs; second, by their habits. The cod, as a summer fish, is comparatively little seen in northern Europe; but as winter approaches, their appearance on the northwestern coast beyond the Loffoden Islands, arriving there first, and then the fishermen are said to determine their landing lead strike on the backs of the fish.

Here they spend several months in the process of spawning, the eggs being deposited in January, and the fish are seen at the same time. Twenty-five to thirty thousand is the business for several months; at the end of which the fishermen return to their alternate occupations. The fish are supposed to move off the coast, which they reach in early summer, and feed until it is time for them to return again. It is believed that the great attraction to the cod is the great part of the immense schools of herring that come in from the region of the Labrador and which they follow frequently close in to the coast and are easily captured.

It is well known that the presence or absence of the abundance of hake and cod on the Grand Banks of the first mentioned family having a voracious fish of all kinds. It is, however, the coast which bring the cod and other fishes to our shores. The sea herring is but little seen in the Bay of Fundy, excepting in September, when they visit the entire coast from Grand Manan to the mouth of the Bay of Fundy; this act depends upon the water being sufficiently cold for their purposes, a condition which occurs later and later in the season, in going south. In early spring, the alewives formerly made their appearance, crowding along our shores and ascending the coast to deposit their spawn, being followed later in the

AWARD OF THE FISHERY COMMISSION

the number of British and American vessels engaged on our shores varies from year to year. In 1852 the government gave bounties to fishermen, the fishery industry ranged as high as 1,600 tons, while it did not exceed 1,000 tons. Last season I understand the vessels engaged in the fisheries did not amount to more than would be about \$60,000, including outfit, provisions and catch of the Nova Scotia and New Brunswick within your own immediate cognizance, and which I need not venture to express an opinion. On the annual average since 1852 will not exceed Mr. Hall's estimate; the Hon. Mr. Holan thinks 600 vessels, and in this the Hon. A. A. McDonald concurs, as 800 have visited the Gulf. Mr. Hall reckons 400 tons of mackerel per vessel, and the number of boats is 100. According to this gentleman's figures, the value of the United States ranges from \$3,500,000 to \$5,000,000, which may be added 25 per cent. more for salt, barrels, &c.

It is proper to observe the American fleet visits our shores within the last two or three years.

As to the fish taken, the codfish may be considered the principal. Alewives and salmon are stream fish, of which considerable quantity is being caught on the Anticosti and the Dominion coast. For mackerel is the principal fish to be had in the Gulf. Their total catch Mr. Hall estimates that one-third of the three-mile line. Bait is chiefly imported from England, and herring and clams are used by fishermen to catch codfish, no fish is imported here from the neighborhood. Assuming the catch per vessel to be 400 barrels, the average figure, it gives from 180,000 to 240,000 barrels on our coasts, representing, at \$12 per barrel, \$2,160,000 to \$2,880,000.

Around our shores probably 500 boats are employed. Their "take" is nearly all inside the three-mile line. Their average catch is four; catch in 1871, 20,000 barrels. Sold to United States vessels on the fishing grounds, they have no returns.

As to the fishing trade generally, as enjoyed by the United States, that you can, with the statistics before you, form a better opinion of its importance and extent than I can by a mere statement of doing away with the three mile limit. Fishing is, at best, a precarious business, and the United States from the shore fisheries increases its profits. It operates against their fisheries, the boundary being in one sense undefined, foreign vessels are in suspicious proximity to the three-mile limit, the appearance of every cutter, and compelled to leave, plenty the fish may be. If mackerel is abundant here, and scarce outside it, the privilege of following the chances of a successful voyage pretty certain. If restrictions will, I am assured, add 25 per cent. to the Gulf fisheries to the United States. Of equal value the privilege of landing, refitting, reshipping, provisions, &c., in colonial ports adjacent to the United States.

Mr. Hall estimates as worth an additional

Quantity and value of fish exported from Prince Edward Island to all countries, from 1873 to 1876, inclusive.

| Year. | Dry fish. | Value. | Pickled fish. | Value. | Other fish. | Total value. |
|-----------|------------------|----------|-----------------|----------|-------------|--------------|
| | <i>Quintals.</i> | | <i>Barrels.</i> | | | |
| 1873..... | | \$30,554 | 4,064 | \$39,830 | \$2,197 | \$32,027 |
| 1874..... | | 23,908 | 9,131 | 65,404 | 26,622 | 135,064 |
| 1875..... | 5,427 | 21,410 | 33,780 | 265,364 | 21,263 | 304,077 |
| 1876..... | 5,289 | 14,291 | | 120,110 | 37,825 | 181,506 |

Quantity and value of fish exported from Prince Edward Island to the United States, from 1850 to 1876, inclusive.

[All island-caught.]

| | Quantity. | Value. | | Quantity. | Value. |
|--------------------|-----------|---------|----------------|-----------|--------|
| 1850. | | | 1858. | | |
| Dry fish | | \$1,585 | Codfish | qtls. | 3,599 |
| Pickled fish | | 9,215 | Hake | do. | 1,068 |
| Total | | 10,800 | Alewives | bbls. | 2,445 |
| 1851. | | | Herring | do. | 2,725 |
| Dry fish | | 1,586 | Mackerel | do. | 4,078 |
| Pickled fish | | 10,845 | Total | | 61,288 |
| Total | | 12,431 | 1859. | | |
| 1852. | | | Codfish | qtls. | 6,090 |
| Dry fish | | 10,376 | Hake | do. | 1,540 |
| Pickled fish | | 17,565 | Alewives | bbls. | 2,013 |
| Total | | 27,941 | Herring | do. | 2,787 |
| 1853. | | | Mackerel | do. | 3,243 |
| Dry fish | | 6,956 | Total | | 73,598 |
| Pickled fish | | 13,512 | 1860. | | |
| Total | | 20,468 | Codfish | qtls. | 4,784 |
| 1854. | | | Hake | do. | 1,353 |
| Dry fish | | 3,380 | Alewives | bbls. | 1,853 |
| Pickled fish | | 10,254 | Herring | do. | 6,036 |
| Total | | 13,614 | Mackerel | do. | 3,471 |
| 1855. | | | Total | | 71,958 |
| Dry fish | | 9,300 | 1861. | | |
| Pickled fish | | 16,586 | Codfish | qtls. | 2,396 |
| Total | | 25,886 | Hake | do. | 1,917 |
| 1856. | | | Alewives | bbls. | 694 |
| Dry fish | | 9,725 | Herring | do. | 2,942 |
| Pickled fish | | 12,770 | Mackerel | do. | 1,143 |
| Total | | 22,495 | Total | | 20,092 |
| 1857. | | | 1862. | | |
| Codfish | qtls. | 2,319 | Codfish | qtls. | 2,079 |
| Hake | do. | 1,802 | Hake | do. | 1,221 |
| Herring | bbls. | 1,324 | Alewives | bbls. | 447 |
| Mackerel | do. | 3,042 | Herring | do. | 500 |
| Alewives | do. | 2,063 | Mackerel | do. | 2,321 |
| Salmon | do. | 10 | Total | | 23,568 |
| Total | | 46,445 | 1863. | | |
| | | | Codfish | qtls. | 2,268 |
| | | | Hake | do. | 2,734 |
| | | | Alewives | bbls. | 718 |
| | | | Herring | do. | 1,654 |
| | | | Mackerel | do. | 3,492 |
| | | | Total | | 23,866 |

WARD OF THE FISHERY CO

of fish exported from Prince Edward

| | Quantity. | Value. | |
|------|-----------|----------|-----------------|
| | | | 1871—C |
| ls.. | 769 | 93, 615 | Alewives |
| ls.. | 1, 016 | 2, 810 | Sounds |
| ls.. | 215 | 1, 175 | Mackerel |
| ls.. | 6, 563 | 42, 775 | |
| | | 50, 375 | Total ... |
| | | | 18 |
| ls.. | 732 | 3, 835 | Codfish |
| ls.. | 865 | 2, 675 | Hake |
| ls.. | 2, 168 | 8, 600 | Alewives |
| ls.. | 1, 008 | 5, 840 | Herring |
| ls.. | 16, 530 | 181, 675 | Mackerel |
| | | 202, 415 | Sounds |
| | | | Total ... |
| | | | 18 |
| ls.. | 1, 190 | 2, 945 | Codfish |
| ls.. | 360 | 600 | Hake |
| ls.. | 329 | 675 | Alewives |
| ls.. | 13, 418 | 79, 990 | Herring |
| | | 84, 210 | Mackerel |
| | | | Sounds |
| | | | Salmon |
| | | | Total ... |
| | | | 18 |
| ls.. | 1, 976 | 3, 665 | Codfish |
| ls.. | 1, 315 | 3, 945 | Herring, pickl |
| ls.. | 158 | 525 | Mackerel, pick |
| ls.. | 12, 362 | 119, 195 | Salmon, pickle |
| | | 127, 330 | Salmon, canno |
| | | | Lobsters, canno |
| ls.. | 879 | 3, 341 | Fish, all other |
| ls.. | 515 | 770 | Fish, products |
| ls.. | 1, 156 | 3, 472 | |
| ls.. | 1, 790 | 6, 550 | |
| ls.. | 11, 626 | 161, 236 | |
| | | 175, 969 | Total ... |
| | | | 18 |
| ls.. | 2, 804 | 7, 015 | Codfish, dry.. |
| ls.. | 1, 204 | 3, 000 | Mackerel, pick |
| ls.. | 1, 017 | 2, 705 | Herring, pickl |
| ls.. | 1, 005 | 2, 685 | Lobsters, pres |
| ls.. | 10, 243 | 109, 625 | Salmon, canno |
| | | 125, 030 | Fish, all other |
| | | | Fish oil, cod . |
| | | | Total ... |
| | | | 18 |
| ls.. | 1, 611 | 5, 505 | Codfish, &c., d |
| ls.. | 889 | 2, 305 | Codfish, &c., w |
| ls.. | 536 | 1, 525 | Mackerel, pick |
| ls.. | 1, 131 | 4, 200 | Herring, pickl |
| ls.. | 13, 960 | 176, 280 | Lobsters, pres |
| | | 210, 875 | Fish, all other |
| | | | Fish, products |
| ls.. | 8, 293 | 27, 656 | |
| ls.. | 1, 062 | 3, 400 | Total .. |

XIV.

Extract from the Sixth Annual Report of the Commissioners of Fisheries of Massachusetts for the year ending 1870.

Page 27.—Indeed, it takes many hands, work which is worth the cost of the bait enough for our fishing-fleet, which may be seen it is remembered that each George's man takes a trip, and makes two or three trips; and he lays in from seventy-five to one hundred and more than that.

XV.

Extract from the Instructions to Her Majesty's Commissioners of the Fisheries, and the Protocols of Conferences held at Washington between Great Britain and the United States, May 6, 1871.

1. THE FISHERIES.

In the termination of the Reciprocity Treaty of 1854, by the United States Government, the discussion of the rights of American fishermen under Article I of the Convention of 1818, which had been set at rest by the Treaty of 1854, was revived, and, although temporary measures were adopted, assuaging with severity upon American fishermen the system of licenses, it has been found impracticable to maintain indefinitely; and, on its withdrawal, much confusion has arisen among the coast population of the Eastern States, and the capture of boats engaged in illegal fishing since the termination of 1818.

The correspondence will put you in possession of the facts of the case, and enable you to judge, and explain the pretensions of the American fishermen and the policy with which they have been treated, under the Government of the United States and of the Government of Great Britain. Officers charged with the protection of the British Fisheries, respectively, however, of the captures and confessions of the recent fishing-season, there are, and have been, differences of interpretation put upon the Convention by the respective governments, which might, at any time, be settled.

The two chief questions are: As to whether the three miles of any of the coasts, bays, creeks, or harbours of Her Majesty's dominions "should be taken as a limit from the coast line or a limit of three miles from Headland to Headland; and whether the provisions of the Convention shall be admitted to enter such bays for the purpose of shelter, and of repairing damages to the boats, and of obtaining water, and for no other purpose; and whether to exclude American vessels from coming to the coast for ship fish, purchase stores, hire seamen, &c. Her Majesty's Government would be glad to be able to arrive at a conclusive understanding with the United States upon the disputed interpretation of the Convention; but they fear that you will find it expedient to be arrived at by some other means, in view of the whole question of the relations

The British Commissioners replied that it was wholly inadequate, and that no arrangement which the admission into the United States, of the British fisheries did not form a part for the acquisition by purchase of the territory was open to grave objection.

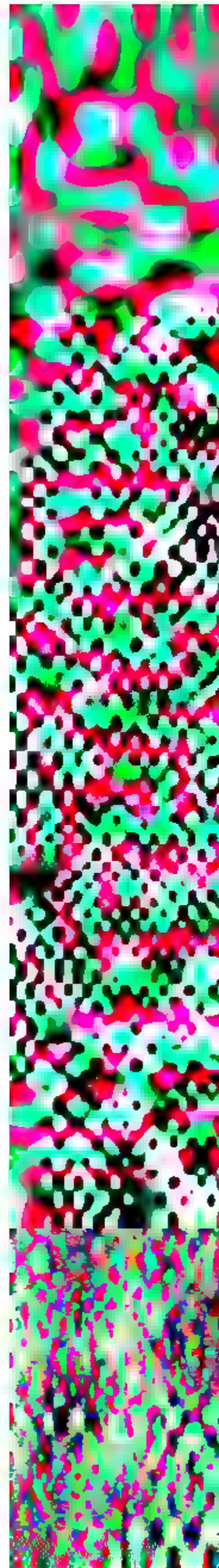
The American Commissioners inquired whether they refer any arrangement for purchase to the Government.

The British Commissioners explained that the limits of maritime jurisdiction were the provinces, and that it would be necessary which might affect colonial property or rights of the Imperial Parliament; and that legislation was a part of the Imperial Parliament.

The British Commissioners contended that the value was great, and that the most satisfactory arrangement would be a reciprocal tariff arrangement of free trade; and the American Commission was over estimated; that the United States Government, not for their commercial or interest of removing a source of irritation, and that the Congress of the United States had proposed a tariff arrangement as was proposed reciprocal free free admission of the products; that, inasmuch as one branch of Congress, expressed itself in favor of the abolition of the duty, would propose that coal, salt, and fish be admitted free; that, inasmuch as Congress had removed

lumber heretofore subject to duty, and as the United States was towards the reduction of the duty proportion to the reduction of the public debt, they propose that lumber be admitted free.

On the 1st of July, 1874, subject to the approval of the necessary on all questions affecting import and export. The British Commissioners, at the conference, stated that they had referred this offer to the Government, and that they had been instructed to inform the American Commissioners that the offer was inadequate, and that Her Majesty's Government should be granted at once, and that the offer should be supplemented by a money payment. The American Commissioners then stated that the proposal which they had previously made of free trade of coal, salt, and fish, and of lumber as proposed had been made entirely in the interest of removing a source of irritation; that its value had been beyond the value of the rights to have been acquired; and that they would not consent to an arrangement on the terms proposed by the British Commissioners; and they renewed their offer equivalent for the use of the fisheries. They proposed that, in case the two governments could not agree on the sum to be paid as such an equivalent, the matter should be referred to an impartial Commission for determination. The British Commissioners replied that they had no instructions, and that it



APPENDIX F.

BRITISH EVIDENCE.

No. 1.

TUESDAY, *July 31, 1877.*

The conference met.

Captain SIMON CHIVARIE, forty-five years of age, of Souris, Prince Edward Island, was called on behalf of the Government of Her Britannic Majesty, sworn, and examined:

By Mr. Davies:

Question. For how many years have you followed the business of a fisherman?—Answer. I have pursued it from the year 1848 up to the present season.

Q. As a business?—A. Yes.

Q. Where have you followed it; solely in British American waters?—A. No. During part of this time I have fished on the American coast. I have principally fished, however, in the Gulf of St. Lawrence.

Q. Where did you begin the business?—A. I began it in the Gulf of St. Lawrence, in an American schooner called the Josephine.

Q. In what year?—A. In 1848.

Q. And did you so pursue it continuously?—A. We made one trip that season in this bay.

Q. And that was in British Canadian waters—in our own waters?—A. Yes. Then I went back to the States, and came down next season in another schooner.

Q. What was your catch during the trip you have mentioned?—A. Three hundred barrels. We only went one trip that season.

Q. And that was in the year 1848?—A. Yes.

Q. Speaking with reference to the tonnage of the fishing schooners, would you tell us whether there was much difference in them?—A. The general run of vessels was about sixty-five tons. Some, however, have gone as high as one hundred and thirty tons of late years.

Q. But during this year, 1848, and during the years 1850, '55, and '60, what was it?—A. There were a few large vessels having a tonnage of one hundred and forty.

Q. But what was the general average?—A. It was from seventy-five to eighty tons.

Q. What was the size of the Josephine?—A. It was seventy-five tons.

Q. And you caught three hundred barrels in one trip; where was it?—A. Yes. At the bend of the island.

Q. Will you explain what is the bend of the island?—A. It lies between the East Point and the North Cape of Prince Edward Island.

Q. Speaking with reference to distance, will you tell us how far you fished from the shore in the bend of the island?—A. During that trip we caught fish principally within three miles of the shore. We were very close to it, because it was in October, the latter part of the fishing season.

Q. You are quite sure of that?—A. Yes.

Q. It was well within the three-mile limit?—A.

Q. And you caught all your fish during that time on the shore?—A. Yes.

Q. Where were you next season, captain?—A. Off of St. Lawrence.

Q. And in what vessel?—A. In the schooner

Q. Where did you sail from?—A. From New Brunswick.

Q. What was the size of this vessel?—A. I think 18.

Q. Where did you go to fish?—A. We fished along the West Shore.

Q. What is the West Shore?—A. It is on the

Q. That is up at the north end of New Brunswick from Miscou down to Miramichi. We always

Q. Miscou is an island, lying at the mouth of the Bay of Fundy. Yes; it lies on the southwest side.

Q. And what was your catch?—A. We caught a large trip. I remained there during the whole season, came down in July and remained the whole of the season. It was a large, and was fitted out for one trip. The catch was, I think, about five hundred barrels. We went out of the season—July—on that coast; and we went on and fished along the bend of the island until we came down from the north; that is the way of the fishermen.

Q. At this stage will you describe to the Commission the fish take?—A. The mackerel make their first appearance off Cape Hatteras, on the American coast, and the mackerel make it a point to go there first for the season up to the Gulf.

Q. At what time of the year is this?—A. I sometimes see them off these points as early as April—always they are followed down the coast off Cape Cod. The great body of them go in this way. The mackerel are off the banks of the Georges, on the coast of New Brunswick; they disappear, and for the next week or so part are packing off.

Q. What do you mean by packing off?—A. Packing, branding, and getting the fish ready for market.

Q. You land for that purpose?—A. Yes; and on that trip we call the bay trip. We come down to the bay.

Q. What do you call the bay?—A. The Gulf of St. Lawrence. We then fit up for what we call the trip for packing off to different ports in the United States about the coast, and follow the mackerel down the coast.

Q. Where do you follow them?—A. We come up north to the Bank Bradley. We come up north to the mackerel also coming up along the coast. We strike Bradley Bank and Orphan Bank, as we call them. This bank is situated on the north end of the Gulf.

Q. This is right off Cape North, Prince Edward Island, and the mackerel there in large quantities.

Q. Why is it?—A. It is because it is customary to follow them to spawn on these banks. The mother fish come there, and we always make it a point to meet them at

side of Cape Breton at Margere Island, Port E and then we follow them down to Sidney. We disappear. They take to the Nova Scotian shore, does not follow them farther than Cape North an end of Cape Breton.

Q. They stop following them at Seatar?—A. Y stop biting.

Q. They return along Nova Scotia down to A. Yes. Then we make it a point to get home We next strike the same school of mackerel abou

Q. You get home with your bay catch and you them up above Cape Cod in American waters?—

Q. At what time of the year is this?—A. In N of October.

Q. From July to November you follow them we follow them in the bay until the 1st or the 10

Q. From what date?—A. We make it a point t about the 15th of June.

Q. I understand that the fleet fish in the bay June until somewhere about the 1st of November some few vessels may remain, hanging around t left, along up to the 10th of November, at Scatar

Q. But the main fleet leave about the 1st of No is a settled point that the fleet leave off mackerel the 1st of November. Then these fish are caught December on the American coast, off Block Island places. They then disappear and go off; I su Stream. We do not see them again until the nex May, and Hatteras.

Q. You do not know where they go then?—A any farther—after they disappear.

By Sir Alexander Galt:

Q. Is there any mackerel fishing during the sun coast? Do we understand that they are all gone r

A. Yes, there is. Some seasons mackerel remain shore, but the main body of the mackerel strike mackerel that remain on the American shore are are caught off Cape Cod and along the island.

By Mr. Davies:

Q. You said something about the size of these are of smaller size than those of the main body w

Q. The small fish remain on the American sho

Q. If the fish are large does it follow that they

Q. How do you explain that?—A. I have follo a fisherman pretty closely, and my experience ha the Banks in the Gulf in the fall of the year, af with small mackerel, about three or four inches l to be the results of the spawn of that season; t these mackerel in these waters about six inches l

Q. What do you call them then?—A. Tinkers. give them at this time. And these mackerel are year to remain principally on the American coast they call medium mackerel, and they are about t this period.

Q. With reference to yards—the vessels would be lashed yards from the shore?—A. A range of boats fast to the shore. They would sling the boats in

Q. There is no drift fishing done along this coast and no mackerel fishing outside at all. I would sail a mile and a half out we would never think of heaving place the vessel, when fishing, across the tide when we have to move the vessels close in to the shore.

Q. Comparatively speaking, comparing this part of the Bay of Gaspe and the Bay of Chaleurs, is it the same?—A. It is. It and Seven Islands are considered the same. So is Gaspe and Bay de Chaleurs, and Mingan and all these places. The vessels came in looking for these fish are very large and fat on that part of the coast found along the coast up to the 10th of September pretty early. They first make for the shore and then work their way down. These are the big mackerels.

Q. While on that branch of the subject, will you describe the style of fishing on the south side—crossing over from Seven Islands' Bay to the Bay of Chaleurs, or the Gulf? Is it the same?—A. No. There we fish all day.

Q. Perhaps you will describe it to the Commission. The vessels go up and around that part of the Gulf, and when getting cold we say that they are about to come to the coast and to Prince Edward Island waters and come up in July and August and keep on in the Gulf until about the 1st of September, when they turn back. We follow them round and down. They cross from headland to headland, making a straight course between the bays, staying in certain parts to feed. We strike the Seven Islands school of mackerel on the south side of Gaspe. Part of them make a straight course from the Islands and across Bank Bradley and Ridges, a direct route. These are mostly known to belong to a different school from that which strikes the southern coast. They take a different course and they come down by a different course from the Magdalen Islands, and being caught about Cape

Q. I understand you to say that the Seven Islands school of the Gaspe—shooting right across?—A. Yes.

Q. I want to ask you whether they remain in the Gulf or stay merely temporary?—A. They do not stay in the bays on that side of the coast, over ten days. They keep moving along and across. They seem to come up the side and come down in a body. We follow them from creek to creek, right along, from Seven Islands to the Monts, due north. We seldom look for them above the Gulf. They seem to leave fresh water there and turn across.

Q. To the south?—A. To Gaspe, the Bay of Chaleurs, and the shore.

Q. How do you fish for them there?—A. Altogether the same.

Q. Will you describe it?—A. Inshore winds prevent us from watching in order to get under the lee of land and to get to where the vessel drifts slowest. If we get in heavy weather we will lose a great deal of bait, which is a disadvantage then we cannot catch the fish so fast under these circumstances. We always try to get under the lee of

Q. Can you find any reason for your statement
 ay abound in mackerel, while this is not the c
 t?—A. Well, the water is deep in the center o
 pretty strong current. On the south side the
 anks, where are to be found the shrimps and l
 lay in them and look after bait for food; and c
 re more or less lants and some other small fish.
 he first part of the season look in for this bait.

Q. In the center of the bay there is a deep an
 [es.

Q. Now, along from Miscon and Shippegan d
 lew Brunswick?—A. Along that coast there are
 nd creeks, and the fish likewise strike in there as
 he mackerel come from the north. We follow t
 oming down; we make a business of keeping th
 ackerel in the Gulf. Most successful fishermer
 ut they are not very successful. Men who hav
 ower, keep the run of these schools, and as lo
 re not apt to lose mackerel.

Q. The fish keep in the bays and harbors alon

Q. They fish along the east coast of New Brun
 he west shore?—A. Yes.

Q. How far is it from the shore that you catch
 ere very often in the spring. When the prevail
 orthwest and west we find that we have to anchor
 ecare mackerel. This is while the fish are stayi
 s soon as they haul off the shore, bound north
 ome, working down the coast about the 1st o
 ater commences to get cold, we follow them.
 nd move along together, and when they reach a
 eem to make straight across to another head
 re find large bodies of them coming down th
 eptember. They fall off shore, bound for the B
 aining for some days or a week outside. We
 here. There are very often from three to four h
 nd when they lose the fish off shore they look
 anks, and there is a race to see who will be the
 essel and the first there gets the biggest catch.
 ain together, but spreads over a very large ex
 ny mackerel are to be found within a limit of f
 t is known in a very short time. With a spy
 ho first rises mackerel, and when this is discov
 pot at once, and then up come the mackerel.
 When we see the mackerel leaving the shore, bo
 Prince Edward Island, we may get two or three c
 ll at once there may be no mackerel to be found
 ome captains then make up their minds to get a
 trike down to North Cape.

Q. That is on Prince Edward Island?—A. Ye
 ay, and when they do so perhaps the whole f
 hat night. The fleet race after the mackerel, bu
 eep together if they can avoid it. The most
 rant to be ahead of the others, and to do so they
 have run from Miscon, sixty-odd miles, to No
 ing. We would lay about there at night, and r
 trike the same school of mackerel—I suppose

hing business, I do not think that I would be inclined for the mackerel-fishing business at all.

Q. You do not think that you would go into the business under those circumstances?—A. No.

Q. What are the names of the masters of the vessels?—A. The Josephine was in charge of Bob Rogers, Massachusetts. The Hezron was from Newbury as the master.

Q. What was her catch?—A. Three hundred and

Q. And in what vessel did you ship the third year?—A. In the Fanny. Rogers was her master.

Q. What catch did you make in the Fanny?—A. We caught in the bay with her. On the first trip we caught two hundred barrels, and on the second three hundred and ten or

Q. You caught some five hundred barrels during both years?

Q. What was the name of next vessel in which you shipped?—A. The Herald.

Q. Do you remember the master's name?—A. I cannot remember. This was in 1851.

Q. That was the year of the great American gale that destroyed the Herald that season. She was also owned in Newbury.

Q. What catch did you make that year?—A. We caught in the bay, and that was in July. We caught four hundred barrels, and we came down the bay about the middle of the month out of the bay directly after the gale.

Q. A great many vessels were lost that year?—A. Yes. It most destroyed the fishing season; but still a large amount of fish was caught after most of the vessels left for home.

Q. How many did you catch?—A. About four hundred barrels. I could not give the amount exactly.

Q. What was the name of your next vessel, captain?—A. The Rio del Norte. We made one trip on that vessel, and then we left that coast and came down the Gulf of Mexico.

Q. And who was her captain?—A. Andrew Leigh.

Q. A very experienced fisherman?—A. Yes.

Q. You came down to the bay to fish?—A. We went to the coast. The vessel was of rather small size; she was a schooner, I think, and this is the reason why we went out. We found the fish to be very small, though there was a great many in that quarter. In about four weeks we caught four hundred barrels, and having landed them, we had repaired the vessel, came down the bay, where most of the fleet was then, between Port Hood and Cheticamp. We made all the way about fourteen or fifteen days on that part of the coast. The first time we came to Port Hood we found a cutter in the bay, but we did not mind the cutter or anything else. The cutter then says, "I am going to have mackerel," and we went out. We succeeded. In a fortnight we had caught four hundred or forty barrels. We saw the cutter for a few days, but we kept out of Port Hood harbor. It seemed to us that the cutter was in Port Hood almost every night. We anchored under the point of Cheticamp, and made that a harbor. We lay under the point of Cheticamp. We caught the fish all inshore. There were no boats outside the three-mile limit. I would say that five hundred barrels were not caught by the whole fleet outside. Five hundred barrels so caught.

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Where were they taken?—A. Some at the first trip were caught on the coast, off the mouth of Bay of Chaleur on the second trip?—A. We got to the island, close in off St. Peter's.

How many?—A. Three hundred and twelve.

Did you go more than one season in that

Did you remember any other American fishers?—A. No. I went in several seasons the times, but I did not keep an account of the number of days.

Were you in other vessels?—A. Yes, in several. I collected their names. Sometimes a vessel would go out and try a week or two, and then come back, but I kept no record of it. I went on the schooner Emma. I was in several other vessels. I went in the Josephine.

Mr. Foster:

Was the Emma an American vessel?—A. Yes. It was a very short trip in her.

Mr. Davies:

Was the Josephine an island vessel?—A. Yes. I have been in the fishing business several years.

How long?—A. Yes.

Were you fishing the mackerel?—A. Yes.

Are you now engaged in the business?

Yes, before the time when you took charge. In respect to the American fishing-fleet, what was the number of vessels it was.—A. The fleet, as far as I can tell, from about 1870 to 1873; some years more than other years. Do you draw the line at 1873; has it increased since?—A. The price of mackerel has been high in trade. The Americans have been fishing off the coast. Thus many vessels have been taken there in large quantities, the body of mackerel striking down to the coast. Since 1873 over 200 vessels in the fleet. I am still with reference to the fleet, I am able you to tell the Commission the number of vessels as well as the particular vessel in the body of the fleet; sometime in the fleet.

Did you regard to the three-mile limit; did you keep outside or not?—A. They fish outside that the general rule?—A. Yes.

Did you fish considerably there and follow the general rule?—A. I do.

What makes any difference with the other

g-fleet they would be captured by the British ice would be so much higher that it would be equal, over and above the sum of the duties paid in proportion, and the British fleet would get the American fishermen might make occasionally, but it would be a wild-goose chase. I have had the business, and I would decline to fit up a vessel within the three-mile limit.

Q. You have had a good deal of intercourse with the fishermen; what is their opinion on that particular matter over with them. We often get out, sometimes in harbors, waiting to get out, and I have talked the matter over with them. There would be a big catch of mackerel to-morrow if the mackerel were somewhere. They thought it very hard to be allowed to fish within the three-mile limit. If they were, they would say, "We must steal our chance, or get our vessel taken." Some of the skippers, however, run a part of their vessels, and they found it to be a run the chance of losing the vessel, and so to be outside the three-mile limit.

Q. Was it their opinion that if they could not get the mackerel?—A. Yes, that was their opinion. If the mackerel are caught inside the three miles, and they are allowed to fish there the trips would be a failure.

Q. Did you ever know any fisherman hold

No; I never heard any argument to show that it would be successful outside as inside. I have not heard of any vessel running in favor of fishing outside altogether, although they make many trips outside in deep water. A school of mackerel will run from one bank to another would cross deep water. As a man who would say, "I will fit my vessel and run within the three-mile limit; I am sure of getting successful

it, and I have had experience, having fished for thirty-three years. If I were excluded from the trade I could not fit up a vessel for the mackerel-fishing in the Gulf of St. Lawrence.

Q. What is the opinion of American fishermen on this matter; have you ever heard them express any opinion on it?—A. I have talked it over. In 1848 there was a great meeting of the fishermen of the United States, and California was talked about. Many thought there was no place where it could be talked about on board the vessels and in the conclusion came to by some was that gulf fishing was the best. In 1853 I shipped in Boston. She was bound to California, and hearing of the California fever (I was young at the time, and anxious), I was persuaded to ship in her. I agreed to sign articles. I was afterward persuaded that it was as sure as California, and so I took to be sure it turned out so, for I know that several vessels went out there, in a year or two came back. I was making money at the fishing business.

Q. Where do you principally fish?—A. At the mouth of the Gulf of St. Lawrence and the coast of Prince Edward Island.

Q. With regard to the fishing round Prince Edward Island, do the inhabitants fish much in 1848, 1850, 1852, and 1854?

AWARD OF THE FISHERY COMMISSION

You have spoken about the cod, hake, and you any herring fishery along the coast?

To any extent?—A. Not to a very large extent for bait for our cod and mackerel fishery.

Where are the herring taken, how far from shore?—A. Half a mile to a mile.

Do all the fishing establishments on the coast get the catch of these herrings?—A. They do not. Sometimes for the mackerel fishing, they get to the Magdalen Islands. They use a great deal of boats; they send a vessel down to the Magdalen Islands to get a supply, as they could not secure enough inshore, and get a supply.

Have the Americans fished at the Magdalen Islands for many years?—A. Yes.

How far are the herring off shore?—A. About half a mile. A very heavy body of herrings spawn there. A very heavy body of herringmen have a seine 150 fathoms long; there; they use a boat and get out the fish.

Have many herring been taken there?—A. Yes, when I was seining, I filled 7,800 barrels, and in vessels besides, in all containing 2,700 barrels a night.

That was a fortnight's work?—A. Yes. I go there and fill a seine any night, by the way.

Have the Americans frequented there for a long time?—A. Yes, a great deal of fish from there. I have known 5,000 sail have been there.

What proportion would be American vessels that would be the average for the last twenty years?

Did they each get a catch?—A. They all do. For three years ago, a large number of vessels were sent for bait. From Gloucester vessels have been sent from their lying in the body of the fish, and being so much traffic in the bay, which has been disturbed, and the herring have been disturbed, and the herring have been disturbed. Of late they have got the herrings by the purse-seine. They use these seines outside to prevent the fish coming in to spawn. There; there were 300 vessels there for herring business in filling barrels on board for Norway. There has been a failure this year on account of the

WEDNESDAY

The conference met at noon.

The evidence of Captain CHIVARIE was read.

By Mr. Davies:

Question. I understood you to say yesterday that during the last four years the American fleets have taken much larger numbers as formerly?—Answer.

What would be the average number of vessels during the past two years?—A. During that time the average would not amount to over 100 vessels. During the past four years in succession, it would be from four hundred to four

AWARD OF THE FISHERY COM.

. With the new, large seines?—A. Yes.

. Have they met with success?—A. They have at ago. They have seined at points, and they have obtained large catches—from one hundred barrels—with a set of nets; they have not where they have arrived.

. What catches have they made?—A. Up to 100.

. You mean in the one seine?—A. Yes.

. Can you give the Commission an idea of the fleet that has arrived in the bay? When did you last see it?—A. Friday. I saw the vessels coming up the bay. The nor'ard winds prevailed, and it was rough. They came to anchor there. I counted 100 vessels in the fleet.

. You know these men?—A. Yes.

. Were you in conversation with them?—A. I was in conversation with the men belonging to the major part of the fleet.

. Did you find out how many of the fleet belong to the St. Lawrence?—A. On the way down, I saw something like four hundred vessels. They come every hour.

. What is the number of fishermen it is expected to employ this year?—A. They are of opinion that this year of any consequence on the American coast will be down. It will number about nine hundred. There will be as many as four hundred seiners.

. And you say that some of them have taken 100 barrels of fish at one throw?—A. Yes. 100 barrels are very often taken in this way.

. Just describe a seine to the Commission, if you can.—A. The seines are made of very strong twine, from 18 to 24 fathoms deep. They are made to take in all the fish they come across. They are 100 and fifty fathoms in length. They are used to surround the schools of fish. A school is round in shape, and the seines may be of any depth.

. They come together around the school?—A. Yes. They do not show on the top of the water.

. They lay large seines around the school, and then the mackerel on the top of the water?—A. Yes. They use a draw line, called a purse line, bringing it together; thus they inclose a large body of fish.

. The net comes together?—A. Yes. They then haul it up and have the whole thing closed, until the fish are taken in order to assist in barreling them. They use small boats, and taken on board the vessel, with the fish.

. What has been, in your experience as a fisherman, the style of fishing?—A. In my experience, all the American style of fishing has been to keep the fish by a great many fish which are of no use and which are destroying a great many of such fish, seiners, and keeping the fishing off our coast. In addition to many herring which mix with the Americans do not preserve.

AWARD OF THE FISHERY COMMISSION

Do I understand you to say that the mackerel Bay of the St. Lawrence school in shoal waters?

Supposing that the seining system were introduced in the shoal waters of the bay, what would be the result?—A. It would mean the ruin of the fishery. It would destroy our mackerel fishery.

During the last two or three years, has the number of mackerel decreased?—A. Has the local catch increased or not?—A. I think that there was not as many mackerel caught on these shores during the three years previous, although in some northern portion, the mackerel have been very plentiful.

And three years previously, was the local catch?—A. Two years ago the bay was full of mackerel; this was in 1874.

That, I believe, was an excellent year?—A. Yes, a great quantity of fish. In 1875 they were not so plentiful as in 1874. At the Magdalen Islands, they were more plentiful than during the year 1874. Mackerel were then caught there than had been there before.

Is there any peculiarity connected with the Magdalen Islands which prevents successful fishing being carried on there?—A. The seines have also been used there.

I allude to winds?—A. It is a very blowy country. The islands in the middle of the gulf, and mountainous islands, and small fleets; some hardy fishermen remain there and visit it during parts of the year. Others do not; it is too blowy there, particularly in the winter. The vessels have to lay around the island in winter days waiting for an opportunity to take fish. The fleet remains there during the early part of the season. The fleet remains there along until about the 10th of May. The vessels visit there after that date.

This is on account of the heavy winds that prevail there, there are no harbors, and the vessels have to anchor.

One word about the codfishing, captain; is it carried on by British and American vessels?—A. It is carried on in the gulf, on the Labrador side, on Newfoundland, and on Banks, Bradley and Orphan Islands, and in fact in all parts of the gulf by British and Americans also. They fish for cod besides on the Banks and off the coast of Nova Scotia around all parts of these regions. The cod along the western coast is taken on the Grand Banks and the Western Islands.

Is there much codfishing within three miles of the coast of Prince Edward Island, Nova Scotia?—A. There is not much done there by vessel, but do not fish for cod on the shore; they do not altogether on shore.

Where do the fishermen get their bait?—A. They get it on the shores of Newfoundland and the islands, and in the creeks of Nova Scotia. They get it in the northern and southern parts of Newfoundland.

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of all the vessels passing through?—A. O, no. received during the night-time. In former years a ton on the tonnage of each vessel—I it levied—the fishermen generally made it rough without paying the duties if this were possible. So that the official record of arrivals might number of vessels ran through and were never a stage of a north wind. I do not think that hence on the Julia Franklin and Morning Star than twice. It is considered rather a smart out and have no such expenses.

Do you mean that the Commission should draw the inference that a very considerable portion O, yes. I would say that during these years of the vessels did not pay their light dues.

To what years do you refer?—A. The years matters would be after them, and when close to pay, especially on the island. But up to were levied on vessels by the island government of Canso, they had no other place to call a

3.
The years in question extended from 1848 to 1858 were always boarded by the island people initially at these times they landed a good deal at rough.

How did you come to pay twice when on the Morning Star?—A. We landed at the Gut, and of course You were under the necessity of paying light dues on all cargoes?—A. Yes.

And if you did not land cargoes you considered it through without paying?—A. O, yes. There were men among them, however, and many skipper it, as a rule, to evade payment. If they saw they had to heave-to and wait. On the whole, a third of the vessels during these years would not be boarded. If they were not boarded, of course they did not pay. A current of three or four knots an hour would run and the officials had no means of finding out. It sometimes ran through with the tide. It sometimes ran against the tide. A vessel would be by reach her.

At what would you place the average catch of cod the last three years in our waters?—A. I do not think that the catches have averaged more than the previous year, 1874, there were some large catches. I think the average would be more.

By Mr. Foster:

The average of 250 is for each vessel?—A. Yes.

By Mr. Davies:

What would it be for the previous year?—A. About 350 barrels.

Where were these fish taken?—A. Mostly on Edward Island.

All inside of the three-mile limit?—A. Mostly

be secured by this plan of operations. The fisheries being better, the general impression is that they are all making towards home to fish on their own coast.

Q. During your thirty years' experience, have you known of any of our vessels frequenting the American coast for fishing purposes?—A. I never knew of any British vessel fishing on the American coast.

Q. And why?—A. We never think of fitting out vessels to go to the American coast, since we have such good fisheries down here. Ours are far superior to theirs. We have better fish and more of them at home than they have. Ours are surer. We would never think at all of fitting out vessels to go up to that coast.

Q. You would not think of it?—A. No.

Q. Have you ever heard of a British vessel going there?—A. Only of one; she was a schooner I went in for two or three years. She belonged to I. C. Hall.

Q. He is an American, is he not?—A. Yes. He attends to the fisheries in Prince Edward Island.

Q. He is an American citizen?—A. Yes. Our vessel went up there to get some pogies for bait one year. We were there a long time, and were bothered a good deal by the number of vessels engaged in fishing with seines. There was not much show for us to do anything. The shore seemed to be completely taken up by all kinds of traps, nets, and vessels. I think as far as the American shore mackerel fishery is concerned, that they have no more room than is required for their fleet of vessels. Our people would have but a very small show indeed among them.

Q. You would not like to invest capital in such an undertaking yourself?—A. I never would think of such a thing at all.

By Mr. Foster:

Q. You were about sixteen years old when you began fishing in the Josephine, in 1848?—A. I was between fourteen and sixteen years of age.

Q. And I think you said you first shipped on the island?—A. Yes.

Q. Prince Edward Island?—A. Yes.

Q. And you then made one trip in the gulf?—A. Yes.

Q. And where did you go then?—A. Up to Newburyport, in the United States.

Q. When did you reach it?—A. In the latter part of October, about November.

Q. And there you were discharged?—A. Yes.

Q. Where did you spend the winter?—A. At and near Newburyport.

Q. At what time did you ship the following spring?—A. In April.

Q. And where did you go first?—A. I made two trips on the coast, and then went mackerel-fishing in the bay.

Q. You went in a schooner?—A. No; but in a coaster. We do not use coast vessels fishing in the bay.

Q. You started to coast in the spring of 1849?—Yes.

Q. How long did you coast?—A. Until July.

Q. In what vessel did you begin fishing in July, 1849?—A. In the schooner Hezron.

Q. And where did you fish first?—A. Down the Bay of Chaleurs and along the British coast.

Q. You did not try to fish until you reached the bay?—A. No; we came directly down.

Q. And you made two trips the second year?—A. No; one trip.

schooners; and the cost of what we call a Georgiaman would be something like \$6,000 or \$7,000 in gold. That would be a small-sized vessel. A Georgian fisherman would be of about 65 or 70 tons.

Q. The greater part of the American mackerel fishing is done in vessels of that class?—A. Yes.

Q. They are altogether of the largest class of vessels?—A. Yes.

Q. And about fourteen men are employed on each vessel?—Yes.

Q. What was the average number of barrels the vessels caught in a year?—A. I gave it in the bay as four hundred. I would say that would be a fair average.

Q. That was formerly?—A. From 1848 up to four years ago, in my experience.

Q. How many barrels would be an average catch outside of the bay on the American shores?—A. O, well, some vessels would go out south and return with none, while others, perhaps, would obtain a hundred barrels and more.

Q. I want to know the average?—A. The average catch out south, taking the spring trips for ten years in succession, say from 1848, would not be over 150 barrels.

Q. A trip?—A. That would be the catch all through.

Q. Making two spring trips?—A. Some did and some did not; very few did.

Q. With two trips on the southern coast, do you think that they would average 150 barrels a trip?—A. I do not say that they would average two trips there; very few make two.

Q. What do you think the average there would be?—A. O, I would say that the average catch would be 150 barrels for the spring fishing.

Q. Do you think that they did not average more than 150 barrels in the spring, when they went one or two trips?—A. Yes.

Q. Some went once and some twice?—A. Yes.

Q. How much would they catch in the autumn trips off the American coast with the same vessels that come up here?—A. Some of these vessels would remain on the coast of Maine, and fish there; some made very good catches.

Q. You have undertaken to show us the average on the British coast, and I want to learn what it is on the American coast?—A. I would give the average catch on the American shore out south, taking the whole season right through, as 200 barrels a vessel.

Q. You have given the average spring catch as 150 barrels?—A. Yes. I have not, however, kept the run of fishing on that coast as well as on this coast.

Q. You do not know as much about the American as about the British fisheries?—A. I have kept the run of the fishing on the Gulf better than on that coast, and for this reason, that I could not be in two places at once.

Q. We understand that you do not know as much about the American coast as about the coast nearer home, and yet you have known enough about the former to think that the fishing there is of very little value?—A. It is of very little value to our fleet.

Q. Well, stick to the autumn trip, if you know anything about it, for the American coast. What is the average number of barrels that, in your opinion, the American mackerel vessels obtained at this season in the same years you have already spoken of, when the fisheries were in their good condition—from 1848 to 1865, I believe, was the period you gave us.—A. I do not think I could compute the average of the season,

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catch of each man?—A. He fishes, and is
not in the voyage than the others, who
He keeps count of the catch?—A. No. The
owners are there, and of course they count.
You were simply there on wages fishing,
catch?—A. I took care of the mackerel,
saw that they were split and properly
brought the highest prices. If neglected
, though if properly attended to they
makes a difference of from \$6 to \$7 a barrel
a place a responsible man as sharesman
who are properly put up.

What wages were you paid as sharesman?
And were you in the vessel all that year?
Do you know what this vessel cost?—A.
In gold?—A. About \$4,000 in gold.
What was her tonnage?—A. About 75
tons.

[I allude to the one you shipped in after;
was the Ellen.

What was the cost of running that vessel?
responsibility of that kind.

Your knowledge of the business will
be the cost of the cost of the crew.—A. Ten
months.

How many men received \$20 a month?
men, young fellows and green hands. One

One-third of twelve or fourteen received
men did so.

Four or five men got \$20; which?—A.
One-third of the crew did. The others
That would be \$80; for how many months
at year 3½ months.

Did you usually make short trips?—A.
own here. The others staid a certain

Were you with that vessel throughout
season we only made one trip to the bay?
Where did she go afterwards?—A. I don't
know. We did not report at the end of the trip. We did

During that trip four men were paid
same in the next grade?—A. The wages were
the same.

How many men received \$30?—A. Not
not say exactly. Their wages were \$20
merely want the average?—A. It was
for fourteen men?—A. Yes. I mean for
one sharesman.

Fourteen men were paid \$25?—A. I was
not taken out this would be the case.

How many got \$25?—A. Four from fourteen
men received \$25?—A. Yes.

What did the other four cost?—A. The

Q. This was in 1854?—A. Yes; No. ones were that year, but the average price was \$16. The and repacking of the barrels cost fifty cents each.

Q. Now, that was your last trip in American vessels?

Q. What was the name of the next American vessel?

Q. Which was wrecked?—A. No; she was not.

Q. Where were you during the year following?

Q. That was in 1854?—A. No; in 1855.

Q. Where were you in 1856?—A. On the Morn.

Q. When did you start on a vessel of your own?

Q. The Josephine was the first of your own vessel.

Q. What was her tonnage?—A. Forty.

Q. How many men did you have on her?—A.

Q. How many trips did you make?—A. Two seasons, and was out two months and eight days;

Q. And what did you do with the mackerel?

Q. Yourself?—A. Yes.

Q. Direct?—A. No; I did not do so that trip.

Q. That was in 1857?—A. Yes.

Q. There was no duty on the fish then?—A. No.

Q. Where were you in 1858 and '59?—A. In the vessel belonging to Hall.

Q. As captain?—A. Yes; I put a man on my own.

Q. Did you go in her on shares?—A. Yes.

Q. What shares did you have?—A. I had four.

Q. And the following year you went back to you?

Q. Where did you fish with her?—A. In the business, for two years.

Q. At what time of the year did you begin?

Q. What was your vessel doing prior to July?

Q. She was not exclusively used as a fishing vessel.

Q. How long were you in her?—A. Two years.

Q. This will bring us to 1860; what vessel were you in?

Q. What did you go into after 1866?—A. I was.

Q. Did you own her?—A. Yes.

Q. You bought her?—A. Yes.

Q. Where did you fish then?—A. In 1867 I was.

Q. And 1868?—A. Then I was in the gulf.

Q. When was it you made up your mind to go?

account of the duty?—A. In 1866. That was the first year cutters were employed.

Q. How many barrels of mackerel did you catch in 1866?—A. Two hundred and forty.

Q. During how many months?—A. About two and a half.

Q. What was the vessel doing the rest of the year?—A. I sold her.

Q. And what did you do the following year, 1867?—A. I went buying mackerel along the coast.

Q. Of farmers who caught them in boats?—A. Yes.

Q. And what did you do with them?—A. I shipped them to Boston.

Q. Did you ship or sell them?—A. I shipped to Boston and sold them.

Q. To whom did you sell in Boston?—A. To Hall & Merrick.

Q. You dealt with Hall; he was on the island?—A. They had an office there.

Q. When you say you shipped them to Boston you mean you sold them to a man who lived on Prince Edward Island, and who happened to be an American citizen, and to have another house in Boston; do you call that shipping them to Boston?—A. I do not say that I so shipped this trip.

Q. When you sold to Hall & Merrick you sold at Charlottetown, did you not?—A. Yes; but this was not the case with all my catches in the Game Cock. I shipped to Boston on my own account.

Q. I am speaking of the fish you bought around the island, and I ask to whom did you sell them?—A. They were sold in Boston, and bought on the joint account of Hall and myself.

Q. Then you were in partnership with him?—A. Yes; they were all shipped to Boston.

Q. Were they sold on joint account at Boston?—A. Yes.

Q. How many years did you follow that system?—A. Two years.

Q. Were these fish sold as American or as British fish?—A. As British fish.

Q. And you paid the duty of \$2 a barrel?—A. Yes.

Q. Do you remember how many barrels you bought the first year you worked on joint account?—A. We bought about five hundred barrels.

Q. What did they cost you?—A. We paid from \$4 to \$8 a barrel for them; the barrels held two hundred pounds. We bought them from the fishermen—ones, twos, and threes. We did not cull them at the time, but we did so at Charlottetown.

Q. When did you resume fishing?—A. I also fished that year. I had the vessel out fishing and buying both.

Q. The same vessel?—A. Yes; the Josephine.

Q. You ran her on joint account with Mr. Hall?—A. Yes; she was chartered on joint account. She was a British vessel.

Q. This was in 1866 and '67 and '68?—A. It was in 1863 and 1874.

Q. That was your business all along these years?—A. Yes.

Q. You bought as many fish as you caught probably, did you not?—A. We bought more than we caught. We took only a small crew. We bought along the shore and caught some in the vicinity.

Q. Did you sell goods, too?—A. Yes.

Q. A good deal of the traffic consisted of barter, I suppose?—A. Yes; and we also paid cash.

Q. This brings you down to 1873?—A. This comes down to 1874. In 1875 I went likewise into partnership with Mr. Hall. We took in three or four vessels, and traded. I went down to the Magdalen Islands

nd bought a large quantity of fish there
at year.

Q. You did not say much in your testimony
mackerel fishery about the Magdalen Islands.

Q. Is not that as good a place for catching
mackerel?—A. No; it is not. The mackerel
lie in vessels among shoal rocks, and in
little while and are hard to get out of.]
the year.

Q. And you do not regard the Magdalen
Islands as a good place for catching mackerel?

Q. Is there not a great deal of fish caught
there?

Q. Is there not a great deal?—A. O, yes.

Q. And by vessels?—A. There is good fishing.

Q. And is there not also mackerel fishing
about these islands, but not many can
catch it?

Q. One-fifth of the entire fleet, British and
American.

Q. Do you mean that the other four-fifths
do not say that; they are back and forth
like a flock of birds, flying all over the country.
all the season. I mean that.

Q. Then one-fifth of the fishing done in the
Magdalen Islands?—A. Yes.

Q. And not more?—A. Not more; the
boats go round the islands; they do not stay and
fish.

Q. You speak of the seining of herring
which is always done on shore?—A. Always on
the shore seining, and this has been practiced
for many years.

Q. These seines cannot be used on shore?

Q. They require deep water?—A. Yes,
shoal water, eight, nine, or ten fathoms deep.

Q. But the great bulk of the purse seining
is done on shore.

Q. Is any difficulty experienced in seining
the fish from boats? It can be done in
shoal water.

Q. It is not very expensive when done from
boats?—A. It has been preferred with purse
seining there during the last twenty years I
know of.

Q. Do you think that the Americans buying
the fish during the last eight or ten years they
pay from four to five cents a barrel; they generally
pay down and charter seines; they give a
large sum for the fish, about four or five cents a barrel.

Q. Hundreds of thousands of barrels for five cents?

Q. You sell them to the Americans?—A.
They usually buy rather than stop and do
it themselves. They find it comes much cheaper. Of late
years they buy so many as they did on shore; this is
because the fish do not strike the shore.

Q. Because the fish do not strike the shore
in the herring catch?—A. Yes; for they
have been used there; and it has been found
that the shore. A large fleet going down could

is business, the proper way to do is to beg

Cape May and then to follow the fish up as you have described?—A. No; I do not think so.

Q. You think it depends on where the fish are; but we cannot have the benefit of them unless we winter in some American harbor.

Q. You could winter in Halifax, could you not winter our vessels at home.

Q. How many vessels are there engaged in the fishery?—A. I do not mean boats and vessels—owned in the country.

Well, there have been about forty sail.

Q. That is the utmost figure?—A. Yes.

Q. What is the average tonnage?—A. From 100 to 200 tons.

Q. What other parts of the Dominion are fitted out?—A. There is another place called the Gut—the Gut of Canso, of course.

Q. How large is this fleet?—A. It belongs to the country, as high as the Gut of Canso, and up to the Strait of Belle Isle.

Q. You do not include in your reckoning the vessels that take half of them.

Q. How many British Canadian vessels are engaged in the fishery?—A. The British fishery fleet for the last year consisted of some two hundred sail.

Q. What is the average tonnage of the vessels?

Q. There are hardly any large vessels now. I have seen up here vessels of 120 tons.

Q. Which are used exclusively for this fishery?—A. They are used for the summer. There have not been many of this kind of fishing of late years.

Q. And why not?—A. This is due to the fact that the markets for fish have gone down, as a general rule, and the idea of fitting vessels out expressly for the fishery has fallen out of fashion. Besides, there are large quantities of these fish always found in bodies.

Q. The seine fishery has controlled the market?—A. It has.

Q. And the hook-and-line inshore fishery?—A. I do not see any line-fishing on our coasts at all, but I think there is some on the American coasts.

Q. Did you find it pretty hard to pay a duty on mackerel?—A. No; I did not so find it; for we have not paid it. If the American fishermen would think nothing of paying a duty of \$2 per ton, it would be small and they would have to pay it, and they would make money out of it.

Q. This was before purse-seines were used?—A. Yes, as levied. I would feel pretty sore at times if I had a large fleet of vessels and fish cutters would come out but would not take any notice of a British vessel. I would know that they were off the shore and where to find them, and I would have an opportunity to fish, when the mackerel was running. It is pretty hard to see the cutter disappear to perhaps not a mile from the shore. I have seen them catching the fish with glasses and they would

ring you; and don't you know what his opinion cannot give Mr. Hall's opinion on this matter?

Q. You don't know the opinion of the island? Hall has said.

Q. Don't you know the opinion of your own people expressed, that if the duties could be removed the Americans use the inshore fisheries as a matter, and everywhere the general opinion is whatever. They all agree, and we have at our meetings, that ever since the duty has been \$2 per barrel—we have no equivalent whatever of the American-shore fisheries, and of the haddock where they please is no equivalent whatever. The fisheries have no value to us. That is the general opinion of every man I have ever had conversation with.

Q. In regard to the removal of the duty, because the Americans can come here and catch and glut the market.

Q. You catch more fish than you did formerly?—A. American people.

Q. You are sending more fish into the United States than are not caught on our coast by American vessels?—A. There is a great demand for our fish. They cannot supply the demand of the American inshore fisheries. From my experience.

Q. You say that is the opinion of the people?—A. That is the general opinion.

Q. Was that the opinion of the people adopted?—A. Yes.

Q. Was that the opinion at the time the duties were imposed?—A. The people of the island had been fishing very extensively.

Q. At the time the Reciprocity Treaty was made, the opinion of the people of your island that the duties on fish, such as the United States might impose, would exclude the Americans from the inshore fisheries?—A. I refer to the Washington Treaty or to the Reciprocity Treaty.

Q. To the Reciprocity Treaty. What was the opinion?—A. At that time there was no duty imposed by the United States, not to amount to anything. I was not aware of any duty; that was before the Reciprocity Treaty.

Q. I am speaking of the time the Reciprocity Treaty ended, and the opinion of the people felt in this way: that the American fishermen were to be kept outside with cutters, and yet to pay a duty of \$2 per barrel for taking in the fish, as a fair shake. This is the argument of the people.

Q. Did you, up to the time the Reciprocity Treaty ended, feel as better off?—A. No.

Q. Considered it an injury to them, did they feel at that time, for we had very little fish going into the United States before that. Our trade was principally with the United States, especially potatoes. When the duties came on the fish, it was an injury.

Q. Did your people not regard the imposition of duties by the United States as injuring you more than the exclusion of American vessels from the inshore fisheries?

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hes—and they cannot help it, for mackerel will fall, and we will lose \$5 or \$6

You have spoken of Magdalen Island fishing ground, and have said that one-fifth, would fish there during the season?

Supposing Americans were admitted from Prince Edward Island, Bay of Fundy, would it be worth their while to have a very small fleet would come down.

And the deep water of the gulf, it is not. Occasionally a vessel might come in and make it a paying business, and they would.

One reason you gave for not being able to fish American fishing-grounds was that the vessels were not in American harbors?—A. Yes.

About what time of the year, on an average, do you fish in the harbors?—A. On an average, about the middle of the coast.

Would it be worth your while to come to the shores, leaving on the 15th May?—A. Yes.

school, and would not have a fair show. Some seasons you are later than that?

Would any sane man on the island attempt to go to the American shore and send a vessel son there would attempt it.

Could it be done?—A. It could not be.

Supposing you could get the vessels into such a speculation and send vessels?

Would it pay to get out vessels and send them?—A. I believe it would. I cannot see there would be any profit in it.

For this reason, we have only about a dozen vessels in the gulf. If we built vessels specially for the purpose, we would have to leave them in American waters.

The expense of keeping the vessels in the gulf and forward, would be such a heavy expense that it would not be a profitable business.

And practically it has not been attempted for some time. I think I do the best I can for the island, and I don't think I will attempt to do more.

When the Reciprocity Treaty ended, a barrel, did the Americans confine the fish to the three-mile limit?—A. Not at all. This is the case both ways; they took the fish from us and we took the fish from them.

to pay \$2 per barrel duty.

In regard to the disadvantage that results from the American fleet, explain how it is that they compel you to leave the fishing grounds at the north part of Cape Breton when a wind comes from the north we run to the south, and we have to lie in harbor. A

make two or three days, sometimes a week, before we go there unless the wind is blowing from the south.

wards run close inshore and find the fish. The fish work to the shore when the wind is from the south. The vessels are not able to go to the fish.

h they lie at the bottom. The vessels are not able to go to the fish.

e. A large fleet of American vessels in the gulf.

cutter. They may have been there very early, but as soon as they see the cutter they move off a bit. The cutter does not stop, and the vessels begin to spread along the shore. They will not go inshore when the cutter is there, but they enter when the cutter has passed by. The American vessels come alongside, close up to the leeward. Mackerel come right up where the bait is; they come right up to the vessel, and when they find the bait and the vessel drifting they follow. I have known the first vessel get mackerel as fast as they could haul, and two minutes afterwards they were away.

Q. The vessel to the leeward gets the catch?—A. Yes; the one to the lee bow. The American vessels leave others to go in and raise the mackerel, and then go in and lee-bow them.

Q. They take the advantage of your being able to go in and raise the mackerel?—A. Yes, it is a practical thing with them.

Q. How far south do you go to catch fish off the American coast?—A. To Cape May.

Q. Do you know what is the parallel of latitude?—A. About 38°.

Q. Do you go below Cape May?—A. Yes, we sometimes go as far down as Cape Hatteras.

Q. Cape Hatteras is in about 35°?—A. We don't often go below Cape May.

Q. But you sometimes go as far down as Cape Hatteras?—A. Yes; we find them down that far, but we generally leave the mackerel at Cape May, which is a good place to go and meet them.

Q. Is there any fishing in Delaware Bay?—A. No mackerel fishing, but there is good shad and other fishing.

No. 2.

JAMES R. MACLEAN, merchant, Souris, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You are a member of the legislature of Prince Edward Island?—A. Yes.

Q. And have been so for some years?—A. Yes, since 1869.

Q. Have you any practical acquaintance with the fishing business?—A. I have had.

Q. Your experience has extended over how many years?—A. My first experience would be about 1854.

Q. And has your experience continued more or less from that date up to the present time?—A. Yes, in a general way.

Q. Has your experience been of a practical kind?—A. In 1854 my father kept boats and was running the fishing business in connection with farming at East Point, Prince Edward Island. At that time I used to go out in some of the boats and take considerable quantities of fish, mackerel and cod. We had trawls set in the spring of the year, and in the summer season used to catch mackerel close in along the coast.

Q. Did you ever go on board American vessels?—A. Very frequently. From that time until 1869 and 1870 I very often went on board American fishing vessels which frequented the coast.

Q. Were you ever on board an American fishing vessel as a fisherman?—A. I was. 1858 was the first year I went out fishing in an American vessel.

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Do you remember the name of the vessel, of Gloucester, Mass.

That was in 1858?—A. Yes, I was a boy a very good health and I went out for a trip in

Where did you secure fish?—A. In the bay.

What do you call the bend of the island?—from North Cape to East Point.

When you were in the Rescue, in 1838, did you?—A. Yes.

What distance from the shore did you fish?—arter, sometimes within half a mile; we never went off the shore there, to my knowledge.

Do you remember what the catch was that year, pretty large. I was only for one trip in the summer, and we fished until the latter part of the year, as many as the vessel would take.

What quantity would that be?—A. About

All were taken within three miles of the coast of Cape Breton waters, down to Margaree Island, and close in off Broad Cove. We were careful to prevent the vessel going aground, and the mackerel keep close in shore, and we were so close to get the boat's oars out to row the vessel.

I understand you to say that, whether in the bay or the shore of Cape Breton, all the fish were taken within the limit?—A. Yes; all except 15 barrels.

Where did you find the mackerel, but found no mackerel, and we came back and found mackerel on the north shore.

We followed them down to East Point, and then to Port Hood. We tried off there, but found no mackerel, so we started across and met the mackerel half way while they were running, and went and started them.

Did you go in any other American vessel in the schooner Fairy Queen, in 1859.

When you were in the Rescue, in 1858, was there any other American fishing fleet?—A. The number that was there.

How many?—A. I should say 600 or 700 vessels.

When you were fishing in the Rescue, within the bay, what is your evidence regarding the number of vessels they fishing? Were they occupying the bay?—A. When we were fishing on the north side there was a line of vessels along the shore, from New London down to East Point, all within the shore line. When we fished we saw 450 vessels, American vessels principally.

In 1859, when you were in the Fairy Queen, was the number of the American fleet?—A. It was about the same.

What was the catch of the Fairy Queen that year?—A. I should say so.

She was a very small vessel.

What was her size?—A. About 50 tons.

96 tons.

ch attention to the fleet during the last year
on living at Souris.

Q. In 1875 and 1876 the fleet was considerably
Yes.

Q. You cannot give an estimate of the reduced
I have seen a number run on the coast du
I conversations with some of the captains, but
a in regard to the number. We have not ha
enting the port of Souris as in former years.

Q. What has been the result thus far for the pre
pears to be quite a number of American vessel
i. They have been making catches of mackere

Q. Taking the present year—did you ever kno
a greater at this time of the year than now?—
men do not remain at Prince Edward Island.
vessels go north in the spring up to Gaspé
mackerel, and they work down as the mackerel gr
, and they catch them round Prince Edward I

Q. The present indications are that there will
s year?—A. They do not afford ground to ju
ard from some of the captains—we have heard
schooner Clark—that quite a number of s
re; they tell me a fleet of over 400 seiners.

Q. And what would be the number of jiggers?
me of the vessels have taken 200 barrels in
re with their seines. One vessel took 220 bar

Q. What is the effect of the seining?—A. They
s of mackerel, herring, and other sorts of fish i
ie fish die in the seines and when they are t
son the ground. They dress the mackerel and
ard, which is a great injury to the parties who
at arises from the offal and dead fish being thro
d are very timid, and if you make a noise wh
y get away scared. When the seines are thro
d any mackerel there after a day or two.

Q. Then the result is very injurious?—A. Yes.

Q. And the fishermen destroy a large number
smaller fish and herring.

Q. They dress them on the vessels?—A. They
e seiners do not have as many men in a crew
ve not crew enough to dress the fish.

Q. Within how long after the time of being cau
used to turn out good fish?—A. They should b
be good fish, within half an hour or an ho
ather; within two hours, in hot weather, after

Q. Is a large proportion of mackerel destroyed
A pretty large proportion.

Q. Besides other fish?—A. Yes.

Q. Besides destroying the fish, you have said
ter?—A. They generally anchor to fish close i
al overboard.

Q. Is that an injury?—A. My experience in reg
even a bucket of bloody water is thrown over
you will not be able to get any for a short ti
bottom.

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ishing business. I went to see a trips.

American vessel?—A. Yes; in on speak with regard to the efficiency of vessels outside of the limits did some good in this way: when the American vessels did not put out as soon as the cutters were past Point, when the mackerel was running on both sides, the American came round, but turn in again when the cutters had left. It was the same when they were at Magere Island and here, the American fishermen had the cutters were there, they would not have been able to fish close inshore. Could they afford the risk of entering these vessels were fitted for trip?—A. Not get the fish outside they were bound to get a trip. The fish was from the country people, with whom they were not acquainted.

What would you say with regard to the three-mile business if they were excluded?—A. I think, if I had a vessel and were given the right, I would engage in it if excluded from the fishery, but it is too uncertain business. You would not have there probably would be none of them, but not in any large quantity. From running the risk, would you engage in it under such conditions?—A. I would not engage in it with regard to the boat-fishing in Princeton. I am not sure whether that has increased lately.

At what extent?—A. I suppose it has increased.

How many boats will take the fish within the three-mile limit?—A. I can form any estimate of the number of boats in the eastern section of the coast. I mean what you mean by the eastern section, from Georgetown round to St. Vincent. I should say, 80 or 90 boats. How many boats were engaged fishing in the three-mile limit?—A. I should say, 80 or 90 boats. How many boats from Georgetown and 100 boats from Bouris to Bouris?—A. I should say, 80 or 90 boats. Is it an advantage to these boats to have the cutters alongside them?—A. It is a decided disadvantage in what way.—A. One reason is that the cutters throw out a great quantity of bait for the mackerel. The fleet of boats may have the cutters alongside and throw out a great quantity of bait for the mackerel from the boats; and the boats have to stand clear of the cutters. Do the boats fish at anchor?—A. Some of them do. In some places they fish at anchor.

never had a great deal of trouble with them myself, but I have seen other parties have trouble with them.

Q. Is it looked upon as a special benefit to Prince Edward Island that they frequent there and catch fish?—A. It is looked upon as a decided disadvantage, because they supply their own markets with fish. The most of the farmers on the shore have boats and fish. They fish in May, June, July and August. Some of the very best farmers along the seaboard have boats and employ men fishing part of the season.

Q. They don't view with any degree of love and don't regard as a benefit the presence of the American fleet?—A. They do not.

Q. The contrary, you say?—A. Yes.

Q. Is it not an injury?—A. It is a decided injury.

Q. Is it a material injury?—A. It certainly is a very great injury.

Q. It is, of course, a benefit, all things being equal, that we should get our fish admitted into the United States duty free. Would you consider that as an equivalent for the right to fish in our waters?—A. To have the duty of \$2 taken off I should think was no equivalent at all.

Q. Explain why you hold that opinion?—A. Because I think that if the American fishermen were not allowed to come into our waters, close inshore, our vessels would be quite safe in fitting out for making very large catches of mackerel.

Q. When you have large catches of mackerel, how do you dispose of them to advantage?—A. We dispose of them in the best way we can. The American market would require them, and the Americans would have to give more than the \$2 per barrel duty.

Q. You would have the control of the market?—A. The control of the market to a very great extent. If their vessels were excluded from our coasts we would have the advantage in our own hands.

Q. Would the amount of duty imposed have anything to do with it, suppose it was \$2, \$2.50 or \$3 per barrel?—A. No.

Q. Who would have to pay it?—A. The Americans would have to pay it indirectly.

Q. But with the presence of the American fleet catching side by side with our fishermen, you look with some disfavor on them?—A. Yes.

Q. Why?—A. Because they have the same advantages as our fishermen, while we have to pay \$2 per barrel in gold to have them placed in the United States market.

Q. If your privileges were preserved intact, you would be quite prepared to pay the duty?—A. We are quite satisfied to have the duty so far as I am concerned.

Q. Can you speak with regard to the advantages arising from transshipment of fish to the American fishermen?—A. Yes.

Q. Just explain?—A. Having the right to transship fish saves a great deal of time in the very best of the fishing season. It occupies from 12 to 20 days, perhaps longer, from 12 to 24 days, for vessels to go home to the United States and refit for another trip, and during that time it may be the very best of the fishing season, and a vessel remaining in the bay may perhaps have a whole trip during that time. If they land their fish in the provinces, say at the Gut of Canso or Souris, for example, and get them sent home in sailing vessels or steamers, they might have another trip, where otherwise they would be away home with their fish.

Q. Is that the practical effect of the granting of that privilege?—A. That is the practical effect in my opinion.

Q. Suppose you were asked to place some kind of approximate value on the privilege of transshipment, what would you place it at?—A. I

but during some years they would be as high No. 1.

Q. How low have they gone?—A. To \$9 or \$

Q. Have No. 1 quality ever gone down as low as that; \$14 or \$15 is never known of.

Q. And they have gone up to \$25?—A. Up to

Q. Are you giving the price in gold or copper price.

Q. Do you know what the prices are running?—A. I am not aware what the prices are.

Q. Are you aware whether the catch on the Atlantic is large?—A. It has been slim. I am speaking from different quarters.

Q. From whence did you derive your information?—A. From fishermen and from letters of commercial men.

Q. Who have been fishing on the coasts then?—A. Captain particularly who sailed on the American mackerel along there, and he came down to Canada. He found there were plenty of mackerel in the gulf and sailed along the north side.

Q. Has he been successful there?—A. He has not. When I saw him; he had only made one haul in.

Q. If he had not had the privilege of coming down, would he have used the vessel fitted up for any other purpose?—A. He would have had to have gone home.

Q. There is no other place where he could have gone?—A. No.

Q. Do you know anything about cod-fishing?

Q. Is that followed to any extent around Prince Edward?—A. Not by Americans; not to any very great extent from North Cape to Cape Breton. Quite late in the season they go down there trawling. They go to the Magdalen Islands or Anticosti to get herrings and come to the island and trawl along the coast. So for hake during the summer season.

Q. How close to the shore?—A. The best fishing is within a few fathoms.

Q. Do they catch halibut along the shore?—A.

Q. Not to any very great extent?—A. No.

Q. Is it true the people of the island have no fishing?—A. Not very much; there is cod-fishing on the Bank.

Q. Is there good fishing there?—A. Yes; very good.

Q. Is it prosecuted by the island people?—A. Yes, to some extent in boats.

Q. Around the shores?—A. Close inshore, in the bay.

Q. The fishing interest is a very large interest?—A. A very large interest.

Q. A good many hundreds of thousands of boxes?—A. Yes.

Q. All around the coast?—A. Yes.

Q. So far the Americans are not engaged in it?—A. They find the mackerel-fishing during the winter pays better.

ake one year. For the twenty years, from 1840 to 1860, the average catch would be about 500 barrels. As a rule, did you find the quantity from each vessel?—A. When I lived at East Point they had often conversations, particularly with the Americans (there were some fine men among them), and I would chat and tell and explain all about the fishery from them and my own experience in the trade. Each vessel would take 500 barrels. Some took some less than that; some of the large ones took up to 750 barrels.

Q. When you speak of 500 barrels, you average the season's work?—A. As the average of the season is far in advance, and some not so much. I have personal knowledge, having been among the fishery, and having traded a good deal with them, and I know very often. I think that is as close as I could come to a vessel.

Q. Do you know much about the cod fishery?—A. The market for cod-fish is the market for cod-fish. The product of the island cod-fish is shipped to Halifax. It is not exported to the United States. They do not ship many to the United States. There are a great many cod-fish dried in P. Quite a number.

Q. A good deal is shipped to the West Indies?—A. A good deal is shipped to the West Indies direct, and some is shipped to Halifax.

Q. The large dealers send direct to the West Indies?

Q. What is sent here is sent for what market?—A. Merchants, who forward it to the West Indies.

Q. I understand you know it is shipped by the West Indies.—A. We know generally with whom they buy for the West India merchants.

By Mr. Dana:

Q. You told us that there was an unfriendly feeling toward American fishermen on Prince Edward Island?—A. I don't remember of having made any statement to that effect. I understand that to extend pretty generally.

Q. Your statement was that the shore people were unfriendly to the American fishermen, so that they do not trade with them?—A. No; I don't remember having any statement to that effect. I don't remember having any statement to that effect. I don't remember having any statement to that effect.

Q. Kindly state in what form you put it?—A. I don't remember having any statement to that effect.

Q. Don't you remember saying anything in regard to that?—A. I don't remember using those words.

Q. Do you mean to say you did not use them?—A. I don't remember using those words.

Q. Not bad, but unfriendly. Don't you remember saying that?—A. I don't remember having used that phrase.

Q. If you did use it, where did you mean to say that?—A. I don't remember having said there was an unfriendly feeling between the fishermen and the people of the province.

Q. But an unfriendly feeling on the part of the shoremen toward the fleet?—A. I remember saying that fishermen did not look upon the appearance of the American fishermen in a friendly way.

Q. The phrase you used was that the American fishermen did not inquire of them for information about the fisheries because of the unfriendly feeling held toward them.—A. I don't remember having made that statement.

Q. Do you mean to say you did not say it?—A. I am not aware that I said it.

Q. Do you mean to say there is not such an unfriendly feeling, whether you said it or not?—A. Between the fishermen or the people generally?

Q. Is there an unfriendly feeling between the men engaged in the boat fishing of your island and the American vessels?—A. They don't like to see them among them in the fishing season.

Q. To what extent does that go? You said the Americans did not go to them for information because of that feeling.—A. I don't remember having used that phrase.

Q. Do the Americans go to them for information?—A. In regard to fishing—yes.

Q. To get information as to where to find the fish?—A. I have often seen them come ashore and talk over the fishing, and whether we have heard where the catches have been taken.

Q. Is there, then, a friendly feeling between the boat fishermen and the American fishermen or not?—A. No; because they take our fishing.

Q. Another reason is because the demoralizing effect of the presence of American fishermen on your coast when they come ashore; do you think that is deeply felt by the people of Prince Edward Island?—A. It was pretty deeply felt, it seems, at times.

Q. Do you think the morals of the people of Prince Edward Island have clearly advanced during the two, three, or four years the American fishermen have been less common?—A. When we talk of Americans we speak of all the parties among the American fishermen. Of course there are very rough crowds among them. It is no advantage in any moral point of view that they frequent the island.

Q. Do you think the United States gains by their absence when they come here, on account of the demoralizing effect of their presence?—A. I don't know in regard to the moral effect, but in a pecuniary point of view they would gain by their absence, because they take back large quantities of fish.

Q. So what with interfering with your fisheries and the demoralizing effect of the American fishermen, your people would prefer that the American fleet went elsewhere?—A. Yes.

Q. You think it is a great error on the part of the British Government to make this treaty?—A. Yes; we think so.

Q. You would rather have the fish all to yourselves?—A. Yes.

Q. You think that is the general impression in Prince Edward Island—that the treaty is an error?—A. So far as I am aware, it is the general impression that we would be better off if we had our own fishery to ourselves—the inshore fishery.

Q. You say the American fleet interferes with the boat fishing?—A. Yes; they come close in among the boats; they take advantage of the fish they have raised by throwing over bait from your boat, and they get them.

Q. Do you suppose the faculty of taking that advantage is an American faculty particularly; would not British vessels do the same?—A. Americans do it.

Q. Don't you suppose if British and colonies that they would do very much the same thing in opposition; I never saw a British vessel done by Americans.

Q. Have you seen British vessels there?—A. Amongst them. I have never seen them lee-bow.

Q. Do you say they don't take that advantage when they take it.

Q. Do you say that British vessels would not?—A. I suppose they would take the fish where they could.

Q. Would they not take the advantage of going in lee-bow?

Q. It is looked upon as a small thing to lee-bow.

Q. It has excited a good deal of feeling?—A. Yes.

Q. Have you ever known British vessels to do it.

Q. Then it is an American habit?—A. They say so.

Q. It has been stated that there were 400 vessels within three miles of the shore; how many vessels would be there?—A. I don't know the number; not a very great number.

Q. How many vessels in the mackerel fishing fleet?—A. Forty or seventy?—A. Not that many.

Q. Is there one-tenth part?—A. I don't know the proportion to it.

Q. Are there forty?—A. No.

Q. Did you not hear the statement of Mr. Chalmers the number at forty?—A. I did not hear his statement.

Q. Would you differ from him in regard to the number of island vessels, I don't know the exact number, but ten or twelve out in the fleet at once. I have seen them lee-bow or foul, but I have seen them foul and go in and raise the mackerel, and Americans and lee-bow them.

Q. This is another reason why it is understood that British ships raise their mackerel and American vessels go in and fill their vessels?—A. Yes.

Q. That is the general impression in the island?—A. I don't mind who raise the fish, but they go in and foul.

Q. All these matters which you have stated are true?—A. No; certainly not.

Q. You are just as well able to testify the truth or exaggeration as if the Americans were here to do that upon my oath.

Q. You are quite sure you are able to succeed in telling the truth.

THURSDAY

The conference met at noon.

The cross-examination of Mr. McLEAN was resumed.

Question. I understood you to say that the number of vessels had doubled within the past three years?—A. That has been the case.

Q. You account for that in part, I suppose, by the increase of the American fleet; you say that the American fleet has been very injurious to your boat?

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coasts?—A. In some seasons navigation is. Sometimes the 25th of December you can get across.

What would be the average time you would lie up, if they did not get out toward the north about the first of the year to perhaps not well get back until April or May. That is, every season. Some seasons I have

How are the vessels at present of the island?

—A. They generally lay the smaller ones, and the larger ones are sent coasting to the West. You mean for trading?—A. During the winter they might go fishing, and early in the spring go to the Cape North cod-fishing, and go to the north if they wish, they could go from Souris late in the month of November or early in December, and fish during the winter.

When, from the Grand Banks it is about the same to the United States than to come home here, it would be convenient for them to run into Cape Breton, for instance.

Or to Eastport, Portland, and Boston; or to New York?—A. There is only the difference of being troubled with ice.

You told us yesterday that if you had a reciprocity treaty that all your produce could be sent into the United States you would prefer it; you think that would be to the advantage of the island?—A. It would be so; but the fisheries kept altogether to our advantage, it would not be equal to this in advantage for us.

You do think that a Reciprocity Treaty would be to the advantage of the island?—A. It would be an advantage, but it would not be equal to the privilege of controlling the fisheries. That, under such a treaty, could you export wheat and oats, the products of the soil, and so on?—A. It is the general opinion in the island that it would be expedient and a great advantage, but the general impression that this would be an advantage, it would not be equal to having our fisheries. As it now stands, you have only the chance of a reciprocity treaty. You don't think much of it?—A. No. You said, I think, yesterday, that if the fisheries were three miles off these coasts, or if the Americans could command these fisheries, you could command them under a duty of two dollars?—A. That is, you could not do that by boat fishing.

Do you think that day bay fishing would be to the advantage of the American market?—A. We could not send the fish off in vessels.

As the boats stand now, and with no other facilities, that you sent very little fish at present?—A. This relates to codfish.

Take the other fish—herring and mackerel?—A. Yes, to the United States, I think.

hat they sell. They never get a high price, they generally buy cheaply.

Why is this? Do products not bring high prices of the world?—A. Prices are pretty low here. We are practically unacquainted with rates. We get provisions and outfits at a cheap price.

The people of the island must have some reason. They do not do so out of benevolence, do they not treat a seaman when he calls for any stuff?

It is done rather on the ground of humanity?—A. Yes, to a certain extent. Of course we make it a point to trade with the Americans.

Then, are these persons who sell cheaply out of humanity, the same with those who sell on grounds from want of friendship? You do not have an unfriendly feeling toward the Americans on the coast. Are there two classes of Americans, the Americans and sell to them out of humanity and wish them off the coast?—A. Those who are engaged in the fisheries have more enmity against the farmers who farm exclusively.

Who sell the Americans these articles?

And they are fishermen, too?—A. Some are.

Do they hold both views—selling cheaply on grounds of humanity, and at the same time and wishing them off the coast?—A. I suppose they cannot get any more from the Americans, or what it may be in some cases, where they are not.

Then the ordinary rules of commerce do not hold in your island to a great extent?—A. Where there is much traffic, of course, as at Souris, Charlottetown, and Casco Bay.

Is much stuff sold them on the south coast?—A. Yes, a great deal; more than elsewhere. These vessels do not come here.

Do not the Americans come to these ports very often. It involves a good deal of time to come and refit at Charlottetown and then go on, this is some distance from the fishing-grounds. It takes a good deal of time.

Do you mean that the farmers traffic with the Americans?

What can they get from the farmers?—A. Potatoes, turnips, parsnips, beets, beef, mutton, &c.

They do not sell bait, do they?—A. I do not know of any ports for it.

I suppose that the merchants are governed by the farmers, yes.

They sell to make money?—A. Yes, as much as they can.

Has not this traffic with the Americans been going on for a long time?—A. Yes; as long as I can remember.

Did you ever know this trade to be interrupted?—A. They are not allowed to go on shore for cash anything they actually want.

gies were thrown into the fishing ground. He well.

Q. But the fish want something better?—A. ?

Q. What have you dealt in as a merchant?—ods, groceries, and hardware.

Q. You import these goods?—A. Yes.

Q. Do you import from the United States?—rdware and glassware from there.

Q. You do not deal in vegetables?—A. Not to

Q. Or in cotton?—A. No; we do not do much

Q. You do not, of course, import woolen or f—nited States?—A. No; hardware and glasswa

Q. You deal in them, and also what we in Am—Yes.

Q. So that you are more interested in that tra—any other way?—A. Yes.

Q. Do you as a merchant sell for cash altog—t.

Q. You barter?—A. Yes.

Q. You barter for fish, don't you?—A. Someti—t to any great extent. We generally take pi—ss, in exchange.

Q. To whom do you sell your goods?—A. To—e village and surrounding country.

Q. Do you never sell anything to the vessels?—late years. We do not trade much with them

Q. Do you keep lines and hooks and other t—; sell them.

Q. To your own people?—A. Yes.

Q. And to the Americans?—A. They very seld—nerally fit out at home; but they may occasion—t a few hooks and lines.

Q. Your place of business is at Souris, on the e—athern and eastern coast.

Q. How many inhabitants has it?—A. About

Q. There are other stores in the place besides—ey number some twenty-five or thirty.

Q. What has caused so much trading in a plac—nts?—A. There is a large country around it.

Q. Has the presence of the vessels anything—not think so; not to any very great extent. —untry. The soil is excellent, and of course a g—quired by the population.

Q. Do you think that purse-seining on the Ame—e last three years, diminished the number o—rth into the Gulf of St. Lawrence and aro—lo not know that. I am aware that there are—ason on the American coast. I have conversed—osecuted the business there, and they were—clearing out the mackerel on the American coa

Q. Have you examined into the question to—s been the case?—A. No. I have nothing m—e opinion of experienced captains.

Q. Do you know how largely day-fishing in a—in Massachusetts Bay?—A. I am not awa—ce, and that was eight years ago—in the fall

Q. And if they did not come within the not do so here?—A. No.

Q. Or on your banks or anywhere else?—

Q. Then if all these conditions were fulfilled supply the requisite amount of fish by means, you think you could command the market?

Q. You would have a pretty bad start with boats, with regard to commanding the American soon increase their number.

Q. You would?—A. O, yes.

Q. Do you think you have capital and industry?—A. Yes.

Q. But you have never tried it?—A. We tried it to a certain extent.

Q. Was not that largely due to want of capital for this reason: We had to pay \$2 a barrel duty on the United States, and the men would not go when they saw that the Americans were all on the other side with the British vessels, and catch the fish; of course this was the result. The fishermen were on American vessels; our best men did so, and our best and smartest captains among the Americans on Edward Island and Nova Scotia.

Q. They are still in command of American vessels?

Q. Did not a good deal of the fish caught get into the United States as American fish?

Q. You do not?—A. Not as American-catch.

Q. Did not a very large portion of the fish go to the United States free of duty between the expiration of the ratification of the Washington Treaty?—A. In large quantities.

Q. You know that a good deal did?—A. In large quantities were.

By Mr. Davies:

Q. Can you explain to the Commission one of the reasons why they prefer to fish in boats instead of in fishing-vessels anything to do with it, and the reason for curing fish on shore?—A. The cost of outfitting a vessel with it. Another reason is this: the mackerel runs in shoals along the coast, and if they fish in boats they can easily reach them. They can run out to the grounds and be there, whereas schooners might be blown off-morrow a heavy breeze would take them and they would remain in shelter for several days. They can catch the fish when the tide is over, while the boats might take large quantities.

Q. While the larger farmer fishermen employ different kinds of boats in different parts, do they employ fishing-vessels of 65 or 70 tons?—A. Do they employ the boats.

Q. Perhaps you will explain why. Is it more convenient to the grounds. Vessels can make large catches at one time; in the schools they can.

Q. The question was asked you as to the

Q. I did not quite understand, from what fishing-vessels which belong to the island. number of these schooners?—A. I was asked but never have kept any run of the number. I do not wish to make any statement without having this point I have not paid any attention.

No. 3.

JOHN F. CAMPION, trader, residing at Souris, called on behalf of the Government of Her Majesty, examined:

By Mr. Davies:

Question. What occupation do you at present am a trader.

Q. In what articles do you deal?—A. I deal in furs.

Q. How many years have you been in the trade so engaged more or less since 1866.

Q. Previous to 1866, what occupation did you follow as fisherman.

Q. Were you in English or American vessels?

Q. When did you first commence the business of fishing vessels?—A. In 1862.

Q. Do you remember the name of the vessel you went that year?—A. The first vessel I shipped was the "Glenora".

Q. This was in 1862?—A. Yes.

Q. Where did you join her?—A. In Gloucestershire.

Q. And were you the whole season in her?—A. Yes, late in the season. I think it was about the middle of the season.

Q. Then you only came down for the fall?

Q. Where did you go to?—A. To the east point of the island; we began fishing off the coast.

Q. Near Souris?—A. Yes; east of Souris.

Q. Did you get a cargo?—A. We got about 80 barr.

Q. In that trip?—A. We caught 80 barr of St. Peter's.

Q. What distance were you from the shore?—A. Two and a half miles.

Q. Where did you get the best?—A. Off the coast.

Q. How far off?—A. Not over a mile; so about two miles, I think.

Q. Were any of this cargo you got in 1862 miles from the shore?—A. None whatever.

Q. How many men had you on board?—A. About 10.

Q. Were many of the American fleet out?—A. Yes, it was a very large fleet out, but we were very late indeed that people thought it foolish.

Q. You did not leave until the 15th of September?

Q. Do you recollect what number of vessels were out that year?—A. There were probably 50.

Q. Does your recollection enable you to state the average catch of these vessels?—A. I could not say, as I then only began the business.

Q. Were other vessels in the fleet engaged?—A. Yes; there were some two or three.

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in inside Flint Island—between Flint Island and a mile from the shore.

. Was there a large fleet out that year?
ed the fishing-fleet lying off Sydney Harbour—at three hundred sail.

. Were these 300 sail fishing at the same time?

. All got fares there?—A. Yes.

. I understand that they got their fares from the shore?—A. The whole of the Flint Island, at a mile or a mile and a half.

. Can you give the Commission an idea of the 300 sail? This was in 1864?—A. Yes. At 600 or 650 barrels, for those who fished caught as many as 1,500 barrels. I should judge.

. For the season?—A. Yes.

. Your number was 335 barrels for that season?

. Do I understand you to say that the whole of them, so far as I knew,

. Why did you not go outside the limit there. Some vessels used to drift off the limit and in again. They could get no fish beyond the limit.

. Did that state of things last the whole season?

. What capacity did you act in—as shallop?

. Did you go out in the season of 1864?—A. Yes.

. Was she an American vessel?—A. Yes.

. Where was she from?—A. Gloucester.

. Who was her captain?—A. Alfred H.

. At what time did you leave in her?—A.

. We came down to the bay, and the first day, off the island between North Cape and South Cape, a few fish were caught close to the bend of the bay.

. How many did you get?—A. Three hundred.

. How many hands had you on board?

. What did you do?—A. When we filled the vessel.

. You returned to Gloucester you mean the Straits of Canso.

. And transhipped?—A. Yes; we landed.

. That was for the first trip you made?—A. I think about it I remember that we booked the second trip at the straits.

. You returned with the 300 barrels to Gloucester?

. And then came back to the fishing grounds?

. In the same vessel?—A. Yes. We fished off the Magdalen Islands. We caught a few places.

. How many?—A. We caught 300 barrels in to the shore. The fish schooled the shore. It was warm weather, and the fish were in.

. Did you catch any portion of that cargo within the one-mile limit?—A. We caught a few off the shore. We filled the vessel up in about a month, and then came back to Canso, leaving them there.

Q. Did many avail themselves of the right to trade any did. The whole fleet did so, as far as I knew went home.

Q. It was generally considered by those engaged equal to the loss of a trip to go home?—A. Yes.

Q. This was in the year 1865?—A. I was then the captain was named Cash.

By Mr. Foster :

Q. From what port did she sail?—A. From Gloucester.

By Mr. Davies :

Q. Did you make much cash for yourself that year?—A. Very little.

Q. At what time did you start?—A. In July; we sailed and began fishing.

Q. When did you leave Gloucester?—A. In July.

Q. Did you go South with the American fleet was waiting for the Bay of St. Lawrence fishing?

Q. You remained idle again?—A. Yes. I never went to the southern fishery. I never saw any one make a profit of it. You had to do considerable work for nothing, remained idle, with many others.

Q. You preferred to be idle to going there?—A. Yes.

Q. And when the bay fishery began you sailed?

Q. When did you leave?—A. About the 4th of August.

Q. What was the number of the fleet in the Gloucester?—A. I would say that it was six hundred and thirty.

Q. Were you long in taking the first catch?—A. About six weeks. Some of the fish we caught about 100 and the balance between Rustico and East Point.

Q. How many did you take?—A. 320 barrels.

Q. What portion were caught within the three miles outside of it?—A. We caught most of it close in.

Q. Was it within the three miles or not?—A. It might have been fifty barrels taken outside.

Q. And with that exception?—A. The balance was two and a half miles and half a mile from the shore and landed at the Straits of Canso.

Q. You transhipped again?—A. Yes; and the vessel went over to the Magdalen Islands but we returned from there we returned to the bend of the island called up.

Q. Were there many vessels fishing in the season?—A. Yes; about three hundred.

Q. Along that bend alone?—A. Yes.

Q. American vessels?—A. Yes; they took very much mackerel—from 100 to 500 barrels each.

Q. At what distance were they taken from the shore?—A. All taken within three miles of the shore. A very average distance off. We used to leave the vessel at night; and after a certain time, we would lose the vessel.

Q. In the first place, you were close to the shore when you drifted?—A. We would be in two or three fathoms.

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ard Island, and Gaspé, and of New Brunswick opinion as a practical man of the effect of the Americans afford to come to fish in the gulf transaction would be that it would be for the nation. I do not think that the Americans project of coming here to fish, for a moment try some other business.

Would you, as a practical man, invest money in it?—A. No, sir; I would not. Am fond of it, but it is too desperate for me.

Are you in a position to state that this opinion is the opinion of the American fishermen?—A. I have talked with them on the subject, and they all considered that the project was within the limits as of especial advantage to them.

What is their opinion; have they expressed any objection?—A. They have had conversation with them on the point. I am continuously in communication with the Americans, and these matters are talked over amongst them. The question is discussed by them.

And what is the opinion of the American fishermen as to the project?—A. They are so excluded? Would they prosecute the business in such circumstances?—A. One gentleman, Captain Binkley, considered the privilege of fishing within thirty miles of the coast a great advantage. I asked him, "Suppose this limit, would you like to send vessels down there or one, would not be inclined to have anything to do with fishing business if I did not have the benefit of the privilege?" He said fishing was precarious enough as it is, and it is hard enough to get a trip with this privilege.

What proportion of the catch would be No. 1, No. 2, and what proportion No. 3?—A. I would estimate it to be No. 1, one quarter No. 2, and one quarter No. 3. My experience during the four years I was fishing was to that effect.

Since then you have been constantly engaged in it?—A. Yes; more or less.

And your experience in the years you acted as a fisherman?—A. That estimate is a little too high for No. 1 in boat-fishing; the fish thus caught do not sell so well in our own vessels, simply because more catch is required for the latter.

By whom?—A. The fishermen. They have the opportunity to take care of them. The fish can be sold at a good price, but they are not as well taken care of as they are not so many number ones amongst them.

Do you remember the prices obtained for the fish you were fishing?—A. They were very large.

What did number ones sell at?—A. They sold at \$15.

And number twos?—A. They brought about the same prices. The average prices would be about \$16 for number twos, and about \$12 for number threes. And they did range at times as high as \$25 for number ones of our trips.

The prices for mackerel fluctuate considerably. If the catch is not large, the price goes up. It is regulated, of course, by the quantity on hand and

Q. Supposing that the Americans were altogether excluded from coming into and fishing on our coasts, what would be the effect of this measure as regards our own fishermen?—A. I think that it would be a benefit to them.

Q. Even supposing we paid a duty of \$2 a barrel on fish sent to the United States?—A. Yes.

Q. Why? Explain.—A. I for one would not consider it a hardship to have to pay the duty, because we would have the monopoly of the market; we would pay the duty, but, of course, we would not be the consumers of the fish.

Q. Why would you have a monopoly?—A. Because our own vessels and boats, and not the Americans, would supply the American market.

Q. Would not the Americans catch enough fish in their waters to supply their market?—A. I consider the American waters almost worthless for fishing purposes. Sometimes there may be a certain amount of fish caught there, but the history of this fishery, as far as I am aware, shows that they do not count on it themselves as a means of finding sufficient business for their vessels.

Q. You are aware that for the last two years the catches taken there have been large?—A. Yes.

Q. And with a knowledge of that fact, this is your opinion?—A. These are the only years in my recollection when anything like enough fish have been caught to correspond with the expenditure rendered necessary by the trips.

Q. Do you know at what distance from the shore the American catches are taken? Do they come in as close to their shore as they do to ours?—A. As far as I know, they do not. I have never fished on the American shore, but still I have seen them fishing, and they do so fifty or sixty miles out from the shore, on the banks.

Q. On what banks?—A. The banks that lie between Thatcher's Island and southeast of Thatcher's Island.

Q. With respect to these two extraordinary years, do you know whether the fish were taken outside of three miles from the coast—far out—or inside that limit?—A. On this point, I only know what I have been told by the fishermen themselves.

Q. You speak from hearsay?—A. Yes; it is the only way I know anything about it. They told me that they caught most of their fish on the American shore in very deep water.

Q. In what way?—A. With purse-seines.

Q. At what distance from the land?—A. Out of sight of the land—some of them. I was talking some time ago with Capt. Neil McPhee, who is an island man, but captain of one of the American vessels, and I got this information from him.

Q. Where is he?—A. He has gone to the Grand Banks. He was in Halifax yesterday.

Q. What schooner does he command now?—A. I do not know exactly. I believe that her name is Carl Schurz.

Q. It is an American vessel?—A. Yes.

By Hon. Mr. Kellogg:

Q. What do you mean by an island man?—A. A native of Prince Edward Island.

By Mr. Davies:

Q. What did you do in 1866?—A. I was purchasing fish during that year.

Q. You did not go with the fleet?—A. I caught fish in 1865.

Q. And then you commenced trading for fish ?—

A. Purchasing them ?—A. Yes.

Q. Where were you stationed ?—A. That year, 1866, 100 miles east of Souris.

Q. Of course you are interested in the fishing trade ?—

A. Did you pay attention to the fleet that year or so more or less ever since I entered the business ?—

A. What number of vessels came in the fleet to the bay ?—A. It was about the same as when I was first here. I saw a great many of the vessels, and, when I knew, I was told that there was a very large fleet used to call the fleet which came to the bay, a pretty large one.

Q. About six hundred came ?—A. Yes.

Q. You fix that as about the number ?—A. I cannot fix that year as for the other. I saw some of the vessels conversed with a great many of the captains, who told me about the same in number. Probably it numbered about 600.

Q. What proportion put in to Prince Edward Island ?—A. Probably 250 sail.

Q. Did you see them fishing ?—A. They fished all day long, have to get out of their way sometimes, when they are not half a mile from the shore.

Q. Did they not get out of your way ?—A. They would compel us to get out of their way.

Q. Did the Americans make good catches that year ?—A. Yes, pretty fair. I myself saw them taking very large catches as fishing. They took as many as ninety barrels amongst our boats. I have seen them take very large catches amongst our boats.

Q. In 1866 were you prosecuting the fishery business ?—

A. What was the result of the year's fishing, as far as our boats was concerned ?—A. A very large quantity.

Q. By the shoremen ?—A. Yes.

Q. How far from the shore do the boats generally fish ?—A. I know, touching this fishing, they never go far from the shore, and they often fish within a mile of the shore.

Q. Are the best fishing-grounds considered to be within a mile and a half of the shore ?—A. Yes.

Q. With regard to the boat-fishing, captain, can you give me any information as to the increase in the number engaged in it, say during the past ten years ?—A. The number has very materially increased during this time. The increase has been at least 75 per cent.

Q. I want some idea as to the size and character of the boats. They vary from 16 to 30 feet in length, and they carry from three to five men. In the large boats there are seven or eight men.

Q. What do they cost ?—A. From \$25 to \$500. They are of all kinds of dory.

Q. Are boats used more extensively at the other end of the bay ?—A. Small boats are very much in use there, owing to the shallow water; they haul the boats on shore. At the

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Is this privilege of purchasing supplies, now enjoy, highly prized by them?—A. By themselves?—A. Yes, and very highly. What bait is used by the island fishermen?—A. Sometimes they purchase American bait for this purpose.

Which bait is it they use most generally?—A. Fishermen use our own more than American. Where do they procure the herring?—A. Where does a vessel fitted out, say from England, that she makes more than one voyage over they transship.

Can they carry enough salt with them?—A. They have everything required for a second voyage, provisions and outfittings.

Is the cod fishery carried on to any extent at Edward Island and Cape Breton?—A.

Do the Americans pursue it in these waters?—A. There are very large numbers of American vessels. Cape North is off Cape Breton?—A.

1. Where do these trawlers get their bait?—A. East of Newfoundland; and sometimes at Charlottetown Bay. St. Peter's Island is near Charlottetown in the Hillsborough Bay?—A. Yes.

What bait do trawlers use?—A. Herring. Do you believe that herring are very plentiful at Edward Island, Cape Breton, and Nova Scotia?—A. There are large quantities of them on the coast. Could the cod fishery be carried on with advantage?—A. I consider this absolutely impossible.

How many trawlers would be engaged at Cape North?—A. There would probably be 45. Do they get all their herring from our British Islands?—A.

What would be the tonnage of the cod trawlers?—A. About seventy tons, I think.

Is there any halibut fishing about there?—A. Not much in the bay of the Saint Lawrence at there.

Are many engaged in this fishery?—A. Not specially engaged in this business.

You do not know the number of the fleet?—A. No.

Do these cod trawlers who use herring bait, do they get their ice?—A. Around the coast, sometimes around the island.

Is that a necessary article for the fishermen?—A. They keep their fish by means of ice.

They must have it?—A. Yes.

Do you know whether they catch herring?—A. They do sometimes. I am sure they do so. Is it for bait?—A.

For bait?—A. Yes.

But as a general rule they purchase this

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. Were they engaged in the bay fishing was reported to be part owner of a vessel he was established with seven or eight. Due to his prosecution of the bay fish a vessel built at a cost of \$14,000; he r's for the same amount of money, and ie business that year the price he had I also knew made money.

By Mr. Foster :

. In what year was this ?—A. In 1863 or

By Mr. Davies :

. Is that the only instance ?—A. When e, also a fisherman, was part owner in th, and when I left there he ran a mackerel vessels, and well established. I know larly successful, but I have forgotten the . What do you call a mackerel firm ?—A. seven or eight vessels for the purpose of in the bay or wherever desired.

. And you say that there are more instances those you have mentioned ?—A. Yes ; es.

. Was this distribution of wealth general this year Gloucester was built up 100 per cent. early 100 per cent.

. From what did it proceed ?—A. From . Where ?—A. In the bay of St. Lawrence on the American shore in those years to els could not get crews to go fishing on

By Mr. Foster :

. In what years did wealth increase 100 per cent. in 1862 to 1866.

By Mr. Davies :

. Does your experience enable you to give habits of mackerel—their spawning or the time they leave Cape May, I know

. Describe it.—A. They make their first run re the American fishermen go to catch them of May and following them along until they come off Cape Cod, and from there le and down the Nova Scotian shore.

By Mr. Foster :

. When ?—A. They usually strike there

By Mr. Davies :

. When are they caught off Cape May commence operations toward the latter , and the shoal is then moving along until e they strike over toward Cape Sable.

. When are they found near Cape Cod of the fishing season and about the 1st 10th of June.

et numbered nine hundred sail. They said their own shore, and that most of them had arrived at the island living there fast when we left. The evening, there was a strong wind to the north, and they came in for shelter where I live, and in the bay. Some of them, in a week, caught the fish in the bay with seines. One vessel threw a haul and found it so large that they had to contain 1,000 barrels. This was off St. Peter's harbor and they could not pursue it. They came to the harbor to mend it. Off East Point, within half a mile, Charles Lee took 180 barrels with one haul of the length of his schooner, but she was in at

By Mr. Foster:

Q. He is a Gloucester man?—A. Yes.

By Mr. Davies:

Q. Has anything been done this season?—A. Four vessels, loaded by means of seines, have been taken.

Q. They had gone home loaded?—A. Yes.

Q. To Gloucester?—A. Yes.

Q. Can you give the Commission an idea of the injury will have on our fishing?—A. We have the water, that I believe their use will end in the ruin of our fisheries.

Q. We have such still water?—A. We have the currents that the fish play inside near the shore. The fishing will drive the whole of them off and together.

Q. What are these seines like?—A. As they are supposed to be about 180 fathoms in length. They ask any American fishermen what their average haul is, and they would say 180 fathoms; they are regulated by the running string is placed around them, and when they are made. They haul the bottom of the net, and when the inclosure is secured, whatever it may be.

Q. They haul the bottom tight?—A. Yes. That is the principle of it. The ropes are reeled in by the boat. The crew haul one-half on each rope, and when drawn tight, all the fish entangled are inclosed, and whatever else there may be inside.

Q. When inclosed, how do they gather the fish into the boats.

Q. And do they lump the fish together?—A. Yes, by getting into a smaller inclosure.

Q. What is the size of the meshes of the net?—A. Larger than the mackerel. This makes it difficult to get the fish into the boat. The meshes are made one and one-half or two inches at least.

Q. When they haul the seine, do they gather the fish all?—A. They secure everything taken in the net.

Q. What do they do with these fish?—A. They sell them and let the rest go.

g of the season they sold for \$6, and number as \$15.

Q. What are number ones worth?—A. I have on for ones.

Q. Is the codfishing on the island coasts very?

Q. Is this fishery prosecuted to any large extent?—A. A number of people are employed on the codfishing.

Q. Around our shores?—A. Yes.

Q. Are many boats employed in this fishing?—A. Number, probably 1,200.

Q. Around the island?—A. Yes; and the number on that.

Q. What distance from the shore are they taken?—A. A mile to four miles off. Most of them are taken half from the shore.

Q. In very large quantities?—A. Very large quantities.

Q. Are those codfishing boats larger than mackerel boats?—A. About the same size. The majority of the boats are about a mile and a half from the shore. The main school

By Mr. Foster:

Q. I understood you to say that during the fall of 1872 there was not any portion of the mackerel taken from the shore.—A. No; that was the fall of 1872.

Q. That you took particular notice of, I suppose?—A. Yes, I took particular notice of it. I remember where I took that particular notice I took of it.

Q. You started fishing where you found evidence of a school of fish, and you let the vessel drift, I suppose?—A. Yes, I suppose so. I was at the Magdalen Islands and caught nothing; I went to the bend of the island and fished for part of the day.

Q. You caught nothing at the Magdalen Islands?

Q. When you were fishing at the bend of the island, did you let your vessel drift?—A. Drift for a short time.

Q. But you could not fish inshore unless the wind was westerly.

Q. How far would you drift?—A. For an hour or two.

Q. How far would you drift in one hour?—A. About one mile and a half; it would altogether depend on the wind.

Q. Is not that a very small distance to drift in?—A. Yes, when there is no tide. Sometimes a vessel will drift a mile and drift not more than ten miles in the twenty-four hours.

Q. Is it not a pretty small distance to drift, on the whole?—A. No; I don't think so.

Q. Do not they usually drift more than that?—A. Yes; that is what a vessel will usually drift, taking the wind into consideration. Sometimes they will not drift 200 yards in an hour.

Q. How often a day did you have to stop fishing?—A. About five or six times in the fall, sometimes a five or six times.

Q. How many hours do you fish?—A. We fish from daylight to dark.

Q. From daylight to dark?—A. Yes.

Q. Which in July here would be how many hours?

Q. You would be fishing 16 hours and would have 1

ster, and you made your first visit to the M
ne and caught 300 barrels?—A. Yes.

Q. You caught 100 barrels at the Magdalen
0 or 150 barrels. We caught the trip between
ast Point, and Saint Peter's.

Q. How many did you catch at the Magdalen
150 barrels. I could not state the particulars
as between 100 and 150.

Q. All you did not catch at the Magdalen Islan
. Between Saint Peter's and East Point.

Q. All the rest within the three-mile limit?—
them. Some of the trip was caught outside t

Q. Of the portion not caught at the Magdalen
as caught outside?—A. Probably 80 barrels o

Q. Then, according to your statement, as I l
the Magdalen Islands from 100 to 150 barrels
at would be fair?—A. Yes.

Q. During the rest of the trip you caught
ree-mile limit. That would be 205 barrels
ip you caught 5 barrels more than two-thirds
don't think I have said anything like that.

Q. Returning to the bend of the island, w
tch outside the three-mile limit?—A. One thi
ast Point and Magdalen Islands.

Q. You caught 300 barrels in all?—A. Yes.

Q. We have 175 barrels caught at the bend
ird of 175 barrels was caught in deep water
ore?—A. Yes.

Q. So you have 180 barrels out of 300 as be
le the three-mile limit?—A. I cannot make it

Q. Then explain it in your own way.—A. W
lands first, and between Magdalen Islands an
oint we caught the whole trip. One-third of th
ater between East Point and Magdalen Islan
out 100 barrels caught in deep water. The r
y equal quantities at both places, close inabo

Q. You regard part of the catch made close in
having been within the limits?—A. That m

Q. It never made any difference at Magdalen
ore Americans fished?—A. That may be the
ent.

Q. How much of the three hundred barrels
n that year did you catch in places where,
eaty being then in force, Americans could no
g on that basis, we probably caught two hun
n waters.

Q. After that trip you returned to Glouceste

Q. And came again in the Rescue?—A. Yes.

Q. Then you went first to the north side of th
agdalen Islands, and found no fish?—A. Y
dney.

Q. Between Flint Harbor and Sydney Harb
a vessel up.

Q. They were all caught inshore?—A. The w
at year.

Q. You are sure about that?—A. I am quite

There were three hundred vessels fishing with you?—A. I said there were probably 300 vessels there at one time.

It is based upon your distinct recollection?—A. Yes.

And the whole were fishing inside?—A. The whole of them.

Now, you say that the average catch of these vessels, so far as you judge, for the entire season, was 650 barrels?—A. Yes.

Is not that a very large average?—A. How I make the average is I know a great many vessels caught 1,500 barrels, and I know that there were not catching more than the average quantity, and our own average was that number.

But is not that a very large average?—A. They caught very large quantities in those years I have given you.

So it was a very large average?—A. Yes; it was a fair average.

650 barrels?—A. It was an exceptionally good season.

In the next year, 1864, you were on the Catalina, Captain Powell; and at the latter part of June, and fished between North Cape and Bank Bradley?—A. Yes.

Now, Bank Bradley is off the shore, of course?—A. Yes.

How many miles from shore?—A. The outside part is a large piece

What proportion of the catch did you take outside three miles of shore?—A. We took about two-thirds of that catch off shore. It was early in the season, and mackerel were well out. During the latter part of the trip we kept right in the bend of the island, off Rustico.

Bank Bradley is an excellent fishing place, I believe?—A. Yes, in the fall, for a short time.

Then two-thirds of the 300 caught during that trip were caught off shore?—A. Yes.

Those 300 barrels you landed at Canso and transshipped?—A. No. You went back to Gloucester?—A. Yes.

So your return trip to go back took you how long?—A. About three weeks to go and return in the fall.

How long does it take to refit at Gloucester?—A. Usually about a week.

About the same length of time as to refit here I suppose—one week?—A. They are usually in more hurry here. The men are not in much of a hurry when they arrive home at Gloucester.

Your second trip was round the bend of the island and to Magdalen Islands?—A. Yes.

How many mackerel did you get on the second trip?—A. Three hundred barrels.

How many at Magdalen Islands?—A. We would probably take about 150 barrels there.

When you said you got 80 barrels outside?—A. In deep water, I mean.

Do you mean you took 80 barrels in deep water off the bend of the island?—A. Between the island and Magdalen Islands.

Besides one-half caught at Magdalen Islands?—A. In that I include the 80 barrels.

Except 150 barrels caught at Magdalen Islands and on the way, you did not get any mackerel outside of the three-mile limit?—A. One-half at Magdalen Islands and in deep water, and the rest in the bend of the island, most of them inshore.

After the second trip you unloaded at Canso, refitted, and tried the Magdalen Islands again, and did not succeed?—A. Did not do any more.

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a to the bend of the island?—A. All the third trip inshore?—A. You say about 40 or 50 barrels? I don't think I said anything about the three-mile limit on the last trip. I, as I can now recollect, we did not catch any outside, but under Galt:

referring to the Catalina?—A.

r:

to make a good deal of allowance since then?—A. In the fishery, it is difficult to think about, and anybody ought to remember where he has been, to be sure that your recollection has not faded in the space of an hour?—A. I could not feel—I speak as my impression, not as a fact, or anything of that kind.

can't carry you accurately back to the time when you claim that it is perfectly correct that the fleet at 600 sail, did you say? I estimate the American fleet at 600 sail, that the average catch per sea-son was about 60 barrels?—A. About 600 barrels per trip, making all made three trips, as you say, but did not make three trips; but so much. Captain Leighton caught

Leighton is it?—A. Captain A

ips on the average do you estimate?—A. I should average about two trips. Two trips is a fair average.

ft Gloucester about 4th July, when was it?—A. Yes.

) American sail there you think it was at that particular time. There was that

catch, I understand, was made about 325 barrels, I think.

a were caught round the Magdalen Islands?—A. I do not fish much round Magdalen. I think about 125 barrels we caught there.

of them at Cape North?—A. Yes. At Point, St. Peter's, and along the coast. The rest within three miles of the shore were caught outside?—A. Speaking of the 50 barrels were caught outside

re caught more than three miles from shore?—A. Most of them were caught within the three-mile limit.

rtion was caught outside?—A. Yes. Outside, to the best of my knowledge,

Q. Are they engaged in exporting fish ink Mr. Carvell was at that time. I do gaged largely in fish, but I don't think atea.

Q. What did he do with the fish he b low; he must have exported it somewh

Q. Did he sell to Mr. Hall?—A. I don

Q. What fish was it?—A. Mackerel at

Q. Of which was there most?—A. Ma

ackerel; I don't know what he did with

Q. Did he buy the whole of the catch?

Q. Captain Binney, whose opinion you e inshore fisheries, where is he from?—ssel.

Q. What vessel was he in?—A. He was it I don't remember her name.

Q. When had you that conversation w

Q. You have said that the mackerel ca th those caught by vessels, because th ken care of?—A. Yes.

Q. Is there not a difference in the size a slight difference; on the north side?

Q. Then as a rule, are the fish the bo ight by vessels?—A. The mackerel ca

ly, I think, in the way of saving them.

Q. Is there not a very great differen red?—A. Considerable difference.

Q. When you spoke of a catch being N h or vessel fish?—A. I had special i ne.

Q. How about the boat fish?—A. The tle less.

Q. Please explain to the Commission d. 2, and No. 3; what makes a No. 1 ma . Of No. 3 there are two qualities. Sn ches, and are poor. It is altogether d fatness.

Q. It does not depend entirely on th ngth has not so much to do with it as t h, and whether it is fat or poor. Thirt me that would be a No. 3 would make etty hard to describe, the difference, b ey are all No. 3 in spring, and as they after 1st September. There are extra l length.

Q. In regard to the duty, do you think e duty if American seamen were exclude . That is my opinion.

Q. Then, as you think, you would hav r forty millions of people?—A. Yes.

Q. I understood you in another part of mmer price of mackerel had gone up fr quence of the failure of the American

Q. Must there not be a considerable A ring a particular year has such an effec ned that the failure of the American

o a boat on the south side there would probably be
orth side there would be probably a great deal in

Q. How many boats would you estimate were
ears ago?—A. About 400 or 500.

Q. Do you think ten years ago there were 400
ould average 20 barrels of mackerel each?—A.

Q. And there are now twice as many?—A. Yes.

Q. And they catch more?—A. They catch more.

Q. How much did the boats average on the north
arrels.

Q. They are not the same kind of boats as at the
re larger boats. When I spoke of 20 barrels I v
oats.

Q. You were absent in the winter of 1869, and
872—where were you then?—A. In California.

Q. You have spoken of what you called the right
.. Yes.

Q. There are people who make a business of se
en the supplies they need?—A. Yes.

Q. And they advertise that they keep stores at
hey seek customers as other traders do?—A. I f

Q. They advertise in the Gloucester newspaper
een any of their advertisements, but they may do

Q. They try to do all the business they can, as
am not aware that they go outside the limits.

Q. They make an effort to do a good, thriving
ot tell you; I presume they do. It is only reaso
ould do so.

Q. They don't sell their supplies to the Americ
rice than they could get elsewhere? They are
esire to benefit the fishermen, but to reap profits
es.

Q. They do profit pretty well?—A. I don't think

Q. Have they not made money?—A. I was las
onso, and the place did not look very prosperous

Q. They had bad times last year; it is well kno
istress at Canso?—A. I knew they had been aff
ression.

Q. Are you not aware of the fact that there wa
ot aware of the fact. I was speaking of the lool
saw a prosperous business a year ago, there was

Q. The prosperous business of a year ago you
othing; don't you think that had something to d
be American fleet in 1875 and 1876?—A. It may

Q. Don't you know that it had?—A. I am not p
y opinion that a great many who extended their
o trade with American fishermen, ruined themsel
ess has declined. They have ruined themselves in
ESE

Q. You have been speaking now of traders who
ral supplies.

Q. Such as ice; and what else?—A. Well, a ge
ms; whatever they require for the voyage.

Q. Food and fresh vegetables?—A. Yes.

Q. The farmers of the island want to sell thei
sily.

they sometimes fish pretty close in, but as a general fishery.

Q. Cod-bait is herring, which sometimes Americans cannot afford to fish for, and therefore benefit of economy with them.

Q. Is it not a matter of profit to the people who sell them?—A. I presume it is.

Q. It is a benefit direct to those who catch them to the Americans who buy it for bait?—A. I so.

Q. Every business, buying and selling, is a profit?—A. Sometimes the business is pretty one-sided.

Q. About throwing offal overboard; that was it turned out that the cod-fishermen keep it and don't throw it overboard until they are at a particular spot?—A. Between the time of making the fishermen are moving from one locality to another.

Q. It turned out also that the American mackerel throw offal into a school of fish, because they have been fishing, but that was when they were passing another they throw it overboard?—A. Sometimes they go from one ground to another, but I have known them throw it overboard when they had done fishing.

Q. The American captains don't intend to spoil the fish?—A. Certainly not.

Q. So they take pains not to drop offal into a school?—A. Very few seem to take much pains in the matter.

Q. They are a reckless, ignorant set, you think them ignorant, but they don't give the matter thought?—A. I could give it.

Q. Do they injure their own fishing by throwing offal overboard?—A. They injure their own as well as the fishing of the Americans.

Q. About Gloucester: is it the opinion that for the business?—A. I was only there from 1862 to 1866.

Q. Don't you know that, though probably for many years in this business it has been difficult to get back for an old one?—A. No; I have never known so.

Q. Have you heard anything about it?—A. I have had conversations with business men.

Q. Have you heard anything of the profits of the business since 1866?—A. No; I have not.

Q. So you don't know whether it is a losing or a winning business?—A. I don't know.

Q. Do you know how the business has been on since 1866?—A. I don't know.

Q. Some have met with misfortune?—A. Yes, I think they have advanced.

Q. I think you said you had seen some Americans fishing for bait?—A. Yes.

Q. Where was it?—A. Around the Magdalen Islands, in the harbor at Souris.

Q. When did you see American fishermen fishing in your harbor?—A. No later than this spring.

that is, outside the three-mile limit altogether
 or there was much fishing doing outside the t
 Well, in 1856 and 1857, where were you f
 ery.

Q. In 1858 where were you?—A. I went down
 nds for mackerel.

Q. How are the fish caught down at Seven Isl
 erent from other places.—A. We caught ours

Q. Did you use the purse-seines?—A. No; a

Q. Up above Seven Islands, how far from t
 en?—A. We sometimes go within 100 yards,
 bor the vessel and go in a dory.

Q. Did you get a catch in that visit?—A. We

Q. You got 200 barrels?—A. We got 200 ba
 ny more; I would say that would be about th

Q. They were all taken within this space?—A.

Q. In the year 1859 what vessel did you go
 bster, from Gloucester, Robertson, master.

Q. What time of the year did you come down?
 ate in July.

Q. Where did you go?—A. To the Bay of Ch

Q. What quantity did you catch?—A. 110 ba

Q. How far from the shore?—A. They were
 ogether—what we caught there; we then car
 cou Island; that is, the island at the mouth
 ght outside of the limits—8 or 9 miles out.

Q. What did you catch there?—A. Between

Q. Where did you go from that?—A. We follo
 ac. We picked up considerable mackerel,
 then struck across to North Cape, Prince E
 ed the shore down.

Q. What was you entire catch?—A. 310 barre

Q. Off the coast of Prince Edward Island d

Q. With the exception of ten barrels, we

Q. How far from the shore?—A. From half a
 coast of Prince Edward Island.

Q. Is that the only trip you made?—A. Th
 de.

Q. What proportion of the whole catch did
 out 70 or 80 of the 300 barrels were taken ou

Q. What time did you return to Gloucester?—
 ie time.

Q. What was the number of the fleet in the b

Q. Do you remember what the average catch
 ld not tell you.

Q. In 1860 what vessel did you go in?—A. Th
 ucester. Master, Daniel McPhee.

Q. Where did you go?—A. We went to the
 k dories and went up to the Seven Islands a
 rels at the same place as before. From that
 ce called Boubon, and got 20 or 30 barrels t
 then crossed to the southern side, to Griffu
 out 20 or 30 barrels there. We then crossed
 leurs, picking up more or less every day. W
 gave up the boats after leaving Seven Islan

120 barrels in the Bay Chaleurs. Then we came to we got about 30 or 40 barrels. We then went to We came out without any more trials, and went to finishing our trip, with the exception of a few that aree Island.

Q. How many did you get on the north side of Pri A. We caught 308 or 310 barrels, as nearly as I can all these were taken within the limits. We got rels of our whole catch outside.

Q. What was the number of the American fi year?—A. They were increasing; there were more year.

Q. What was the average catch they made; do About 400 barrels. That was in 1862.

Q. Did you fish any more that year?—A. I wen the home shore, that is the American shore, in th Daniel McPhee.

Q. What did you catch there?—A. We caught

Q. Only 40 barrels? That was in 1861 that you in the fall trip, and in 1862 you got 40 barrels?—A

Q. Was that considered a fair trip or not?—A long out. We went home in October and went weeks.

Q. Where were those taken?—A. They were tal same as the year before, outside.

Q. That ended that season?—A. Yes.

Q. What did you do next year?—A. I did not, 1864. In 1865 I went from Gloucester with Cal Galeba.

Q. When did you come down?—A. We left in th I was early on the ground.

Q. What did you do in the Galena?—A. We to got up to the first of September 600 old barrels Oauso and reshipped them, as we call it. Then we and got about 310 barrels more. We made in the between 900 and 1,000 barrels—something more th

Q. Where were they caught; in what proporti outside?—A. We got about 300 barrels up Bay C barrels were outside. We then came down and Magdalen Islands, and from that to the east poin Island, from which we worked up to the bend of part of what we took was taken in the bend of t Bay of Chaleurs.

Q. In the bend of the island, did you get any on could not say exactly, but we got more or less out

Q. But half were got inside?—A. More than hal than half; we always do.

Q. What did you do in the fall trip?—A. We tra In the fall trip, after transshipping, we returned to t We got some there, and worked out to the North C 200 barrels and returned to Margaree Island, fishing and Port Hood.

Q. What proportion of the 300 barrels taken within the limits?—A. We got about 80 or 100 ou

Q. Supposing you had not transshipped, what result; would you have been able to make your sec

Q. When was that?—A. That was in September. We transhipped them and refitted.

Q. Those 210 barrels, where did you catch some in the southern part of the island, about town, outside of the limits. That was the last?

Q. But let us confine ourselves to the first barrels. What proportion of these did you catch outside?—A. I can hardly call to my memory Chaleur a good deal.

Q. Give us a general idea of the distance proportion did you get inside and what outside same as before. About two-thirds inside and

Q. Then you transhipped them. What did you get on the second trip?—A. About 210 barrels more.

Q. Did that finish the season's trip?—A. Yes.

Q. Of the second trip what proportion did you get outside one hundred barrels.

Q. Nearly half outside?—A. Yes.

Q. Whereabouts did you fish them on the north side?—A. We fished off Georgetown, on the south side of the island.

Q. You were not up on the north bend at the time they then came along and came up the island. Where did you fish the bend of the island.

Q. The fleet was about the same?—A. Yes, as in 1865 or 1866. They were getting more in.

Q. Would you say that the proportion of fish taken outside as regards the three-mile limit, was the same as in 1865 or 1866?—A. Nearly as I could form an opinion.

Q. That brings to the end of 1868. Where did you go anywhere on the American coast this year?—A. We came down in August and transhipped this year. We went home in the fall.

Q. Where did you take them, with regard to the limit?—A. We got about 120 barrels in Pleasant Bay, Magdalen, the bend of Prince Edward Island.

Q. In the bend were they got within three miles?—A. Inception of a very few, say 20 barrels, they were outside.

Q. Now, in 1869, was the fleet numerous?—A. Yes, more than the year before.

Q. Was the average catch as large as the year before?—A. Not exactly. It would not be so large.

Q. Whatever the catch was, were the proportion of fish taken outside as great as yours?—A. Yes; I would judge so.

Q. What was the proportion of yours taken outside?—A. 110 barrels, 110 were taken outside including Magdalen.

Q. Did you go in 1870?—A. I went in a vessel. I have remained since then in my own vessel.

Q. Where have you fished?—A. Principally in the Gulf.

Q. Have you been successful?—A. Yes; I have had good catches.

Q. Where have you taken them, within the limit?—A. Every year about the same.

Q. I will ask you a general question: From what proportion do you say are taken (not by boat) within the limits, and what proportion outside?—A. About two-thirds are taken within the limits, according to my estimate, and the third are taken outside.

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fished with the fleet; we generally went to
or on one of the shoals.

In your opinion what portion of the catch
is inside the limits, and what outside?—A. I c
late. I should say pretty nearly the same p
1.

Did you go fishing in 1872?—A. I went o
l vessel both cod and mackerel fishing; I w

What was the name of the vessel?—A. The

You only did a little fishing in 1872?—A. O
bay.

How many vessels composed the American
that year?—A. I was not much among the flee

the fleet that there were not as many in the

I think I understood you to say that you we
n American waters?—A. Yes, after leaving

In what depth in American waters do you g
urse seines?—A. Thirty or forty fathoms and

Do you use purse seines in deep water?—A.
very well in shoal water.

When Americans come down here with pur
age to use them in our shoal waters?—A. T

seines, they generally cut them shorter. I h
man has two seines—one for shoal and the ot

Do they use these cut seines in American w
of; there is no need for them. The deeper
3r.

What is the depth of the general fishing
rs?—A. From 3 to 7, 8, and 10 fathoms.

Are purse seines allowed to go to the botton
t do as well if allowed to go to the bottom.

Will you give the Commission your opinion
, of the result of this mode of catching fish v

?—A. From my experience and from what I h
injury to fishing wherever it is carried on.

To what extent and in what way?—For seve
ng fish in large quantities and a great many
e cured, and there is something about it that
more than hooks.

Have you had any conversation with Ameri
s?—A. Yes, considerable.

What is their opinion?—A. It is their opinio
fish, of course. But they are bound to get the

Can you give any information with regard
he island?—A. Not a great deal, except wha

American vessels lying out; they are doing
id. One man in particular, Captain Lee, of Gl

ed in 140 barrels of mackerel in a seine. He
n in small catches. He had a lot of herring

he gave them away to the boats.

Did you ascertain what was the probable nu
there?—A. There were not a great many v

d find out, they were coming in very fast.

Did you find out the number of vessels whic
they say there will be from 500 to 600 in the

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. What would have to clear away?—A. We would have to clear away the way.

. What would?—A. The boats. In boat fishing as their ships would drift they would consequently come down on us. When among the fish whether they come over us or not, and we would be in the way. I know one case particularly. I saw one. It was the Marengo.

. Is it looked upon by the boat fishermen as an advantage to have the fleet come in among them?—A. Disadvantage, certainly.

. You have said Americans do not prosecute in British waters; tell me where cod-fish are caught by them?

. In the spring they fish inshore. The first five miles and follows bait; but at this season they go out, probably six, seven, or eight miles. In the summer, a different school from that which goes to the north.

. Where do you take them in spring?—A. From a half from the shore; some part of the season.

. And later in the season they go off?—A. Yes.

By Mr. Dana:

. From what you last stated, I understand that you found mostly inshore?—A. Yes.

. Do you catch them in boats?—A. We have to.

. And catch them in trawls?—A. Yes.

. Do you follow the cod out to sea?—A. When we take in the trawls and go out with hand-lines.

. Explain the mode of fishing with trawls.—A. The trawls are lines made fast to one another, and hooks placed on them and floaters to keep them from touching the bottom, so that the hooks do not strike the ground. They are half a mile or a mile with hooks on, with an anchor at each end to haul them up by.

. Is this plan used in deep water?—A. Yes. Sometimes we do not put floaters on them.

. What sort of British vessels are engaged in this fishing?—A. We have not got very large vessels—small vessels. Boats are principally engaged in it.

. What months do you find cod-fish plenty in?—A. From the middle of June. About 1st June they strike in and about the middle of July.

. When do they take to deep water?—A. In the latter part of August.

. Is the American cod fishing carried on in deep water?

. You say it is a different class of fish inshore from what they are larger fish than we catch outside.

. Do you mean that the spring fish are larger than the summer set-line fish.

. When do the cod-fish grow so large and fat?—A. It is a different kind of fish.

. What becomes of the large fish that are found in the latter part of the season before Americans come up? Where are they caught? Do you know where they go?—A. They go to the Banks.

se years they do very well, and some years very do nothing at all worth speaking of.

Q. But some years they catch enough to supply I don't think it—not to supply their whole mar

Q. Mainly so; so as to have given them control last two or three years?—A. During the last two quantities.

Q. Have there not been seasons when there was or fishermen because mackerel was very scarce, ing; have they not petitioned the government to enable them to get along?—A. During my time successful here.

Q. You have been so?—A. It has been so at the

Q. Don't you know cases where there has been fishermen for want of an adequate catch, and that government to aid them by bounties and other means, even from starvation?—A. It would not be in some other cause.

Q. Have they not been in great distress for want seen reports of officers of the government stating I know of large public meetings for the relief of or catch was so very small?—A. That was some

Q. How many years ago?—A. I don't recollect ing alone, seeing any great want.

Q. Was there, among what are called the fish distress for want of a catch in this part of the world and, Nova Scotia, Cape Breton, and New Brunswick catches are not as large as others.

Q. They have good years and bad years?—A. Y

Q. Are not bad years pretty bad years, so that I don't remember that they have suffered a heavy catches of fish.

Q. I mean your neighbors; take the people of New the Gut of Canso, along the coasts of New Brunswick have they not had very bad years, when they have catch?—A. Yes; I recollect of a poor fishing.

By Mr. Davies:

Q. In regard to the question of distress among fishermen hear of any petition being presented from New Brunswick, or Nova Scotia, with regard to fishermen?—A. I don't recollect it.

Q. Did you ever hear of it?—A. I don't remember

Q. Did you ever hear of the existence of actual among the people known as the fishermen class in I?—A. I don't remember that I do.

Q. Did you ever hear of meetings being held in New Brunswick, or Nova Scotia, called on account of fishermen?—A. It is something new to me; I never

Q. Is it not a fact that the fishermen catch a large every year—that the average catch is good in the consider we have been very successful in our fisheries.

Q. Has any year been marked out when the fisheries as to cause distress?—A. I don't recollect of any

Q. As a matter of fact, has the class now engaged in wealth, say during the past fifteen years?—A.

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els; the large proportion were. There were about one mile each way from where I resided running down to 1860, what was the number of fish in that portion of the shore?—A. I should

not give you any idea at all?—A. They were always in sight. I have no means of knowing how many you often count them?—A. I often counted at one time. I often saw 50 or 60 come and fish right inshore.

What distance from shore were they accustomed to fish?—A. They fished very close to the shore.

What distance?—A. It is with boats we catch fish from one mile to three miles, mostly two miles from shore; and of course the fish are catching mackerel (they have glasses), the boats are getting mackerel, they dash down through the boats.

How do the boats fish?—A. The boats are called a spring; they spring their boats against the current, so that every man has a chance.

By Mr. Dana:

Do they swing by the wind and not by the tide?—A. By the tide as much as possible on account of the current alongside the boat. The lines otherwise would cross each other when hauling out mackerel.

How do the vessels fish?—A. They are mostly schooners. They haul down the jib and drift along past the school of bait, but sometimes the mackerel are so shy they are not able to raise them before they get away. The mackerel are handy, near the top, as often that they will take them from the boats by the jib. Sometimes they scare the mackerel so that the boats get them.

Is it considered by your fishermen an advantage to have the fleet fishing among them?—A. Of course it is a disadvantage.

Is there any difference of opinion in regard to that?—A. It is easily understood. When the mackerel the vessels dash in among the school of bait and drift off, drawing the mackerel away from the bait, which they generally do, they dash away with them. You will see the glitters when you observe them. If there is a good school of bait right, it is very likely that the vessels will lose them. Sometimes, as the boats are deep down. If their bait does not get up, its blowing a good breeze, the vessels miss them the first time; but they will tack and try again, but the next time, perhaps, they will

You are speaking now from practical experience?—A. Yes; I know what I am saying.

You are speaking of what has actually happened to you?—A. Yes, I have seen it myself, often and often.

Q. Has this boat-fishing industry increased many years?—A. It has more than doubled in the

Q. It has been found profitable, then?—A. I s

Q. Can you give the Commission any idea of h
t from other harbors along the coast?—A. Fr
have got, there are between 900 and 1,000; 92
ore are engaged in the fishery. That is, fr
ipe.

Q. That embraces the north side alone?—A. .

Q. Can you give us an idea of the boats enga
as on the south coast?—A. I don't know so
ast; I rather think there are not so many, but
mber.

Q. Of those 900 or 1,000 boats, you say thos
uch larger than those of Rustico?—A. Yes, la
ard.

Q. How much larger?—A. I suppose they wi
ore than our boats.

Q. Should not their catches be larger than the
A. They ought to be.

Q. As a fact, are they?—A. The bight of the
g ground; but, of course, the larger vessels sl
el. They come down as far as the port of Rus

Q. During the 14 years you have been in th
u exported your fish to the United States or di
. These last 10 years we have established an a
ip our fish; before that we sold them to Ame
usiness there.

Q. As regards the prices obtained for mack
ommission an idea of the average price you ha
ve varied a great deal in price during the last

Q. Between what figures have they ranged?—
gh in Boston in the fall of 1868 as \$25 and \$
o. 3 fish were in proportion, but they were dow
that year. Mackerel have never been so high

Q. What is the average price you obtained, or
e?—A. I could hardly give an average. The
think we obtained \$15 for No. 1, \$12 for No.

That was in 1874.

Q. Does the catch regulate the price?—A.
es.

Q. What does, then?—A. I don't know that I
n on that point.

Q. There were some years during which a du
ackerel entering the United States?—A. Yes.

Q. What price did you get those years?—
much then as we have done since; I don'
uch difference. Mackerel has been lower in
arket.

Q. Since when?—A. Since 1868.

Q. That is since the duty was taken off?—A.
ity went on in 1867.

Q. During the time the duty was on did the
ld you realize as good returns during these
as not on?—A. I don't think it made a great

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the United States?—A. I think there would be taken into the market. I think the probability be high, because if they were excluded from the market would not be anything like as many mackerel taken from our gulf, so that the market would be much richer.

Would you prefer to have Americans excluded?—A. I don't know about that. I suppose if the fishermen if the Americans were excluded the mackerel are taken out of our waters with such large quantities it must have some effect on the inshore fisheries to ourselves, of course, and it would not affect us a great deal.

What do you say about a duty of \$2 per barrel?—A. I think we would have difficulty about paying it?—A. I think we would pay the price.

A question has been asked as to why more fishermen do not use vessels instead of boats; can't they put their capital in boat instead of vessel fishing?—A. I think they can do better with boats. Some had vessels but they gave them up and are now fishing with boats and can catch more fish. They come in and dress the fish of the day; they go out and come in; they are right on the fishing ground at once. Another question is very short. Our fishing-vessels were used to carry produce after the fishing season was over. After the fishing season the freight in the fall made it difficult for them to make a successful voyage, you want a vessel suitable for coasting; the vessels are required to be different from those fit to carry our produce to market. As a matter of fact, they have abandoned vessel fishing?—A. Yes.

Are there many island vessels engaged in fishing?—A. Yes. But the fleet has decreased?—A. Yes.

And the boat-fishing has increased?—A. Yes. With better boats.

Have you ever heard of any distress among the fishermen, and of a petition to the legislature for better boats?—A. I think there was a petition. I have seen it.

When was that?—A. I don't know how long ago something of that kind, but don't know where it is.

Is there any distress existing among those fishermen?—A. No; they are not to be pitied very much.

In regard to the fish you take in your boats, what proportion would you give to the Commission?—A. I suppose nearly one-third No. 1, and No. 2 and No. 3, and the No. 2 principally, and so on to the end of the season always increasing toward the end of the season. When do the mackerel first make their appearance?—A. About the last week in June. This year later, about 1st July.

You say in your harbor there is an eddy?

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vessels fish and take mackerel one day and
ght the next day where they had been or for a
e the boats will go out day after day and cat
o think that the throwing over of offal hurts t

The boats dress their fish on shore ?—A. Ye

And the Americans throw their fish offal ove
nds ?—A. Yes.

And in your opinion this injures them ?—A.
and often, whenever a fleet of vessels had
kerel one day, no fish are caught there the
after.

What do the vessels do when they throw the
e ?—A. They go to some other place.

And the boats then lose their catch ?—A. Th
example, because they are not calculated to t

Do you know anything about the fishing in
immediate locality of which you have spoken ?
retty much the same way all along the shore.

Do the Americans get any bait on the island ?
it at Charlottetown, I believe. I suppose th
ed.

They do not catch any bait ?—A. I never sa

Do you get any codfish on the north side of t
B.

Is this fishery prosecuted there to any exte
t extent.

I believe it is chiefly followed on the south si
; to the eastward, about Murray Harbor, there
hake.

And there are not many near Rustico ?—A. V
get the boats under weigh for them before the
lo not do much of it there; all do something, l

How far from the shore do you take them ?—
it 20 fathoms of water. In the spring, we
e-mile limit, but after the first school has arrive
water.

You catch the first school always within the t

Are they large or small fish ?—A. They are n
ght in the spring are pretty large.

They do not seem to follow this fishing lar
now; it was more followed some years ago.

By Sir Alexander Galt :

What is the depth of the water three miles fr
ose it would be about ten fathoms. In some p
ome shallower.

I mean about your own neighborhood ?—A. E
even.

By Mr. Davies :

You say that during the last two years the
ood as usual ?—A. Yes.

How about last year ?—A. The mackerel was
had been for a number of years.

And your catch was about 65 barrels to a b
k the average was not more. It might have b

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Was the year of the great gale 1851 or '52?

And that year in your vicinity were lost 16 American vessels; was not this the case?—A. The American—I mean in the gulf altogether. I have not know from my own knowledge.

Did I understand you to give the average of barrels of mackerel during the past 14 years?

And you say that there were 926 boats on the island?

You think that they have taken 100 barrels speaking of the boats which we have ourselves?—A. The boats, because there was a number of small boats on the shore. I do not mean it to be understood that they took 100 barrels by any means.

How many small boats were there in the 926 boats?—A. Many; but they are outside in the coves; the small boats in the harbors.

And they are included in the 926?—A. Yes.

Would there be more than one-half of the boats that are hauled on the outside of the island?—A. More than one-half of the 926.

How many barrels would the small boats average?—A. They would do very well, because they are handy and close to the shore; but they cannot stay out as the larger boats do; on the whole, they would not catch many.

How many do they catch? I want an estimate of the catch of five men generally in place of five, and they would catch about what the others catch—say the others average 100 barrels, then three men would catch 300 barrels.

Can you tell how many of the 926 are boats in the harbors?—A. I could not.

You do not, of course, mean to have, as the Commission has put it, on this point, the average for the 926 put down as 100 barrels?—A. O, no; I am speaking of our own boats.

And these are larger and better, better manned than the others?—A. No; I refer to the fishing of Rusty.

And these are the best?—A. There are 140 boats in the harbor, and they would be just about the average for them.

The 140 would catch about 100 barrels; do you think they would average as much?—A. At Tignish and Capetown.

And these are good men, and I suppose that they would catch more than the others?

How many of them would do so? I want to know the average number of barrels taken by the whole island?—A. I could not give that.

But the average is not 100 barrels or anything else; it would not be for the small boats. I should say that there are not more small boats than one-sixth or one-seventh of the whole.

At what would you estimate the whole mackerel catch of the island during an average year?—A. I think that the catch would, perhaps, be rather more to the north than westward; that is in regard to the season.

Do you think that 50,000 barrels are taken in the harbor of the island by your fishermen?—A. No; I think that the catch would be rather more to the north than westward; that is in regard to the season.

Do you think that 50,000 barrels are taken in the harbor of the island by your fishermen?—A. No; I think that the catch would be rather more to the north than westward; that is in regard to the season.

mackerel feed, found?—A. I do not know the limit exactly; but them in the mackerel we catch, and we do not go far out w boats.

Q. In what depth of water are these shrimps found?—A. W the mackerel, I suppose, in from three to ten fathoms of water.

Q. Are these shrimps not found in water considerably deeper fathoms?—A. They may be; but I have never been in vessel whether or not this is the case.

Q. You have never gone out more than three miles in your boat?—A. O, yes; and have caught some mackerel out beyon but never many.

Q. Still they were apparently on feeding-grounds at more th miles from the shore?—A. We caught very few outside the th limit.

Q. Your boats are not adapted to going more than three mile A. O, they could do so.

Q. They do very well on smooth water, and that is one of the why you keep so close to the shore, is it not?—A. It is not th

Q. Has that nothing to do with it?—A. Our boats could p Magdalen Islands for that matter.

Q. Do you go there?—A. They have gone there and got a herring.

Q. Do you do it usually? We have had a boat, with a man wife in it, start across the Atlantic, and they have arrived at t tination, but this is not usual?—A. We do not make a buaine but we have done it.

Q. Do they make a business of going farther than three m the shore? Don't they hug the shore partly on account of thei A. Well, no.

Q. That has nothing to do with it?—A. If the wind is off course, the handier they get mackerel the better, but the boat any distance out for that matter. They are very good boats.

Q. How far from home do you have to go? You want to get night as near sunset as you can, don't you?—A. Sometimes home about twelve o'clock at night, but we do not mind being get mackerel.

Q. How long do they fish?—A. As long as the school bites.

Q. Are shrimps always to be found off the coast, or do they co from time to time?—A. Sometimes the mackerel have shrimps and sometimes they have none.

Q. Do you know whether they stay habitually about your s whether they migrate?—A. I do not know that.

Q. Did I understand you to say that a vessel could not d fishing for mackerel as a boat, even if the former went close to t You thought that the boat fishing was the more profitable?— we find it so.

Q. So you think American vessels could not do proportionate as the boats, if the former had a right to fish inside the th limit?—A. Perhaps, everything being equal, they would catch fish as the boats.

Q. What was your statement about the fish being drawn av your boats by American bait?—A. I said that when the bo fishing at anchor, as they do in the spring, and when the Amer sels would run and drift close past them, the latter would dr the school from the boats.

Q. That very frequently happens, does it not?—A. Yes.

So far as your observation or inquiry of America know for a fact that when they fish in deep water many mackerel?—A. That is what our people, whom I have always informed me.

Q. This is not the result of your observation, but by others?—A. Yes.

Q. They can not use purse seines except in deep water?—A. They do not go very far from the shore with them.

Q. How deep is the water where they are used?—A. I am not acquainted with purse seining.

Q. You do not know that it is not in less than 100 fathoms?—A. I do not.

Q. Do the Americans throw offal overboard right and thus spoil their own fishing?—A. No.

Q. But when they are through fishing, they are so tired that they cannot?—A. The mackerel stop biting in the evening, and they go to land and dress the fish.

Q. But they do not do it until the schools disappear?—A. No.

By Mr. Thomson :

Q. Is not Bank Bradley, of which you have spoken, a small island, and do the fish not pass over it in season?

Q. But they do not stay there any time at all?—A. I do not speak from personal observation on the point; the vessels tell me that they stay there only about a week, and never been fishing there, but our men that have been there say that they only stay there a short time.

Q. But you practically never fished there at all?

Q. Did I understand you to say that on the north side of the island, between East and North Capes, there were 926 boats?—A. The information that I have received on this point is that there are 926 boats.

Q. Do I understand you to say that the average catch of mackerel each year is about 100 barrels?—A. I speak with reference to the harbor in this matter, and that is about what our men say.

Q. Mr. Foster asked you whether you would estimate the whole catch for the north side of the island at more than 35,000 barrels, and you appeared to hesitate?—A. I speak with reference to the western catch. The 926 boats include the West Cape and the North Cape; there are 198 boats between the West Cape and the North Cape.

Q. You see that if you are right about the average catch of 100 barrels, it would be making the catch for the whole island 92,600 barrels?—A. I spoke with reference to our harbor.

Q. And the number, 100 barrels, is rather below the average?—A. Yes.

Q. Did I understand you to say, you had no other owners of boats that this was about the average?—A. No; it is the average at Rustico.

Q. Then you did not mean to say that 35,000 barrels was about the whole catch along the island?—A. Not for the whole island—no.

Q. You only referred to the neighborhood of Rustico to New London, following the right of the island?

Q. When you speak of 35,000 being the catch,

so much about these as about other parts. There is good fishing along by East Point.

Q. But there are no fishermen there to keep the boats you have been talking of?—A. There are some there who fish in a small way.

Q. Whereabouts are most of the large boats found, so far as you know?—A. At our harbor.

Q. Rustico?—A. Yes, and at Cascumpeque and at Tignish. The latter is not a harbor, but there is a cove there.

Q. And Tignish, Cascumpeque, and Rustico are three places where you find the most of the large boats?—A. Yes.

Q. When this count was being made, could not the large boats have been counted?—A. They might have been.

Q. Were they not counted?—A. They were not.

Q. The large and small boats were lumped together?—A. Yes; the small boats, however, form only a small proportion of the number.

Q. I had considerable difficulty in getting you to make an estimate of the quantity caught by these 926 boats, and I want to know whether you desire to vary the statement you finally made to me under this head?—A. No, I do not.

Q. There were over 30,000 and not over 35,000 barrels taken?—A. I could not estimate it save with respect to our own harbor.

Q. And that is the estimate you made?—A. I estimated that, one year with another, the average catch was about 100 barrels.

Q. And how can you tell that the average was 100 barrels, for the whole 926 boats?—A. I did not say that.

Q. Don't you know how many are large and how many small boats?—A. No.

Q. Do you want to leave this thing by stating that you do not know anything about the total catch of the portion of the island you have pointed out and described, or not?—A. I cannot give an estimate for the year.

Q. You cannot?—A. No.

Q. Then your first estimate was good for nothing, and the estimate you made to me was good for nothing, and the last estimate which you gave Mr. Thomson is good for nothing from want of knowledge to fix them all upon?—A. I estimated the catch at my own harbor.

Q. Beyond that you don't know anything about it?—A. Beyond that I do not.

Q. And all you know about the catch in what you call the great year 1874, is that 15,000 barrels were caught?—A. This was in Rustico.

Q. That is all you know about it?—A. I know we had a large catch that year all over the island.

Q. You do not know anything more about the total catch in 1874 and in the part of the island you have described, save that in Rustico in that great year, 15,000 barrels were caught?—A. I do not know what the sum total of the whole catch was.

Q. You know nothing else about it?—A. I could not give anything but save an idea respecting it.

By Hon. Mr. Kellogg:

Q. What are the small boats you mention as being hauled on shore?—A. These boats are used in fishing outside the harbor, in small coves along the coast.

Q. And they stay out there over night?—A. Yes. They haul the boats up on shore to keep them safe in case of storms.

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ats, the number of fishermen, and the quantity of fish in schooners in that locality, but in small boats have only about 30 feet beam. They catch mackerel, because the mackerel are found near the shore. You are speaking of the part of the coast east of Cascumpeque?—A. Yes; around by the shore. The chief fisheries are cod, hake, and mackerel. Do you catch any herring?—A. Yes; in small quantities.

Do you catch enough of them for bait?—A. Not much. The herring remains on shore late in the spring, the herring season, the people can set their nets; in that case, however, there was hardly any ice in the spring, so that most of them were secured.

What is the general result?—A. That we get a fair quantity. How many boats of the class you mentioned are there between Miminegash and Cascumpeque?—A. I cannot state the number positively, but to the best of my knowledge about 280 of all sizes, from those having 30 feet beam to about 15 feet; that is the average size.

What is the cost of a 30 feet boat?—A. Between \$1,000 and \$1,500, rigged out properly, very well built and well equipped. What fish come next after herring?—A. Cod. Is the cod fishery prosecuted to any material extent?

Whereabouts do you catch them?—A. At Miminegash. They generally follow the herring school. They are caught in three fathoms of water all around the shore. How near would that be to the shore itself?—A. About half a mile from the shore. This fishing continues for about a month, then the cod begin feeding on the herring spawn, and then they are caught on some other bait, a little farther away; I cannot say. Are the cod caught in any great quantities during some years?—A. Yes, during some years. When the caplin is running, the fishermen use them for bait, and they are caught in great quantities.

Do you catch capling there too?—A. Yes. They are small fish and are caught in small scoop-nets.

Capling are considered good bait?—A. Yes. They are after them. You have to get a good quantity of capling; if not, you cannot catch any fish worth anything. What was the catch of cod this season?—A. It was probably something like 5,000 quintals. It was a good catch for a number of years past between Miminegash and Cascumpeque. You might get the catch by referring to the fisheries department, but there they are apt to be wrong, and there might be a discrepancy in the figures. And the hake comes after the cod fishing?—A. Yes. Simultaneously with the mackerel fishing. The herring fishing begins about the 20th of June around Miminegash, and the mackerel fishing commences about the 25th of July, at Cascumpeque.

The mackerel begins first?—A. Yes.

As a general rule, are these fishing grounds very good?

At what distance from the shore are the

rer in front of the vessel, and keeps running along with the vessel, the mackerel follow the bait, and thus the Americans have a better chance to fish successfully than our small boats, where they are not so near.

Q. What is the effect produced on the small-boat fleet when a large American fleet comes in?—A. When a large American fleet comes in, towing the boats it decoys the mackerel away in a shoal, and the fish will follow the bait. Then our boats have no chance to fish, or cut their cables and run away from the fleet, and the mackerel work off whenever the Americans come. They make an inshore school. Perhaps the Americans have a better bait than we have. I do not know exactly what bait they use, but this is the manner in which they act. When a school they come to the windward again, heave to and tow over more bait.

Q. Is coming to the windward going up the shore?—A. No, we go off shore, of course they come right close inshore where the mackerel are; and around these shores as close as it is possible for vessels to do. In fact, they come within two fathoms of water.

Q. Are the cod taken here by the American vessels close to the shore?—A. As far as I know, very few miles from the shore. In fact, I am not aware of any being caught outside the three-mile limit, all around the coast.

Q. Do the American vessels draw the fish out beyond the three-mile limit that they have done so.

Q. And then, of course, they might catch fish beyond the three-mile limit in that case they could. I only speak of it as far as I know.

Q. Do the mackerel return to the shores afterward?—A. I am not aware of.

Q. Do you mean to say that our fishermen, under such circumstances, lose them altogether?—A. Yes, for that year. When they come back they do not come back the same year.

Q. Suppose that the fleet came to-day and fished on the coast, would you say that the shore would be utterly depleted of the reason?—A. My experience is this: that a school once decoyed out from the shore, won't come back, however, so happen that another school may strike the same school will not return.

Q. Suppose that one school was thus taken away, would you say it takes its place afterwards?—A. Sometimes this is the case, but I don't know why we know that the same school does not return in some instances, is because we see it is not replaced by the same school.

Q. Have you formed any idea of the number and kind of vessels from conversation with the captains or others?—A. It is very hard for me to arrive at that. If you expect me to, I could hardly answer. I think something like 400 or 500—some more or less. In some years they may fish the whole season. I would think about 500 or 600.

Q. That is the average from year to year?—A. I don't know the opportunity of knowing what they would catch.

Q. Do the Americans land much for supplies?—A. Yes, at the place they get supplies that I know of is Casump.

Q. Which is the better time for mackerel fishing, year or in the autumn?—A. Well, the catches are in August, from the 12th of July until the 15th of September, catches are generally with high tide, such as the spring full moon or a new moon.

Q. The fish themselves, are they better?—A. Oh, at this time of the year; they are commencing to be there are now a few No. 2s, a great many No. 3s, but

Q. You say there are 250 or 260 boats?—A. About

Q. What number of men do you have to one boat?—A. Three; some have four and some two. I guess three men. There are a great many small boats.

Q. You are only speaking with reference to the spring?—A. Yes.

Q. You do not know anything about Rustico?—A. But my knowledge is too limited. I am limiting my knowledge to the fisheries around the shores I have mentioned.

Q. Take a boat with three men on that shore, what average catch for the season, do you suppose, running of years you like?—A. I think about 70 or 80 barrels. A great deal of time on this account: that by going for hake are too late for the morning's catch when they return a good deal of mackerel in this way.

Q. You say the men engaged in the hake fishery do not get a morning's catch of mackerel. They may go out in the night and get a few mackerel. They cannot mix the hake, as the mackerel spoil in a very short time, and go ashore with their fish. This makes them too late for a morning's catch.

Q. They catch hake and cod there in their dories?—A. More around those shores than in any other part.

Q. Has the number in the boat something to do with the catch?—A. Oh, yes. A crew of four would get more than a crew of three.

Q. The average you have stated is for three men?—A. Yes. If there were four men the average would be higher. The boats are manned according to size; if big enough, there are four men. With four hands will get twice as many as a boat with three.

Q. That will give about 800 men?—A. Something like that.

Q. From 750 to 800?—A. Yes.

Q. Then the hake, except when decoyed, are all within three miles?—A. Yes.

Q. Two or three?—A. This very year they have been a mile from the shore. The reason of that is because the mackerel are handy in.

Q. Supposing we were enabled to exclude the American boats within three miles of the coast, do you think they would cut the fishery with any success?—A. I don't think so, on the shores I am speaking of.

Q. Have you any doubt about it at all?—A. I have no doubt because there is no mackerel unless they can decoy them to go out.

Q. But supposing they were excluded?—A. No; I don't know I could not do it. From my knowledge, I fear a great waste of bait.

Souris Harbor and other places?—A. Yes, ter built at Souris.

ve they been making any harbors of refuge see Souris, but I believe it is a very good n Government have built. They have built a not of sufficient importance to allow American. The Souris Harbor, I believe, is a good . that there is as much as 28 feet of water th the American fishermen take advantage of en they fish in the bay, quite close in the ba When a vessel does not make this harbor of somewhere. They cannot get out of the big long these shores and a heavy northeaster ricans but any other vessels from North C et clear. If they cannot make a harbor of re That is my experience.

you know anything about the American wa ve you ever known an island vessel to go y knowledge, I have never heard of it. The not know of it.

y Mr. Dana :

n say that your boats when they get out a s and get hold of the mackerel, that is, whe r found there, the American vessels come l heave to and drift down and drift out some s mackerel with them. But this business of must be when the wind is off shore?—A. Ye s your boats confined to mackerel fishing A. No, not altogether.

o you not fish in a calm or with the wind b s?—A. Yes.

on the shore if it is not too strong?—A. Ye ard.

it is only with one direction of the wind that y drifting of the American schooners?—A. V a good deal to do with it. The tide runs f r way the wind blows.

s tide runs from the shore out? Does it not s?—A. Well, not very much, not so much as ll, I do not know about this. Are you sure c ore slightly concave as this is—what is the ree feet.

at is very slight?—A. Yes.

s ocean rises and falls about three feet. B es set altogether irrespective of that and dep A. Well, it has that effect to a certain exten us off from the shore to a certain extent, a rect into the shore. That is my experience und those shores I have spoken of, not all a opose there is a light wind off shore, and the cannot float down, as you say?—A. No.

en taking the chances of the winds and tides ; as you have described are few and far betw If the day.

you have any off-shore wind that depends up

I was 'not asked that question, but I answer you now, as you asked it.

Q. Now, another grievance is that somehow or other, probably having better bait, which is probably menhaden, is it not?—A. They may have better bait. I do not know.

Q. Well, that somehow their bait is more attractive to the mackerel?—A. What I mean is this, that when you have these small craft the bait is heaved out alongside the craft, the tide, running one way and another, takes away that bait clear of the craft. The American vessel is lying to, and it creates an eddy, which keeps the bait around a certain distance.

Q. Does the American control the tide?—A. No; but the vessels are ranged along and they are drifting out, which makes an eddy which keeps the bait running out with them. Ours are stationary, and according as the bait is heaved out it does not remain alongside the vessel.

Q. The tide takes it out, but the American goes with the tide, consequently with the bait. Suppose the tide is setting in?—A. The bait goes with the tide and the vessel with it.

Q. Then she must go ashore?—A. Well, I have seen them go ashore, they were that greedy.

Q. By the force of the tide? Did you ever know an American vessel allowed himself to be carried ashore by the tide?—A. Yes; after a heavy haul of mackerel.

Q. Then your boats get the best of it, don't they?—A. Well, I know, I have not seen a great many. They forgot that they were 12 feet of water and allowed themselves to go into shallow water.

Q. What, 12 feet?—A. According to the size of the vessel.

Q. Now, when there is no gale of wind, no ordinary breeze, but the tide is strong enough to carry a large vessel ashore, is it not enough to dispose of the bait?—A. The vessel forms an eddy which keeps the bait alongaide to a certain extent.

Q. Here is an American vessel that comes in, the tide is setting in, but there is an off-shore breeze strong enough to overcome the tide, she will drift slowly out, the more slowly because she is going against the tide. Now a lot of bait is thrown overboard. Will not that bait drift away from her?—A. No.

Q. Well, if the wind blows hard enough to drift her against the tide?—A. Perhaps you may be a navigator?

Q. I understand that if she lays to she has some sail set, enough to catch the wind?—A. Yes. She may go half with the wind and half with the tide.

Q. That would leave her just where she was?—A. Perhaps she does not want to hear what I have to say. I shall not say any more.

Q. You say she is going half with the wind and half with the tide?—A. I say if the wind is blowing something stronger than the tide she may make her way not altogether with the tide but with the wind.

Q. She would in that case be forging ahead a little?—A. Yes.

Q. That would take her out of the way of the bait?—A. No, she keeps in the wake. There is a certain quiver it makes in the water. The water that escapes at both ends of the vessel meets somewhere, there is an eddy. Until the bait sinks deep enough to be clear of the eddy it runs with the eddy, and the mackerel keep into that. Now the boats are at anchor, and the moment the bait is thrown out it drifts away.

Q. She must be heaving out bait all the time, because it is going away all the time?—A. Yes.

Prince Edward Island, because we monopolized in extent.

Q. You mean to say that although you pay \$2, a price, and anybody who purchases has to pay it?—

Q. Do you think that the people in that case but the price were lower by the amount of duty?—A. I think we have the right to take away the fish and glut the American market, it will reduce the price, and we cannot get a price.

Q. Would there be any competition among the British?—A. Well, that would tend to bring the price down?—A. Well, that would.

Q. It is possible that people would not buy as much if they had to pay \$2 duty in addition to your high price? Your view is pure theory?—A. Yes.

Q. You spoke just now of a railroad being built. You had one. Where does it run?—A. I am not sure of the description of it on the map. It runs from Tignish, from that to Summerside, then to Charlottetown, then to Souris.

Q. When was it built?—A. It was opened in 1871.

Q. Do you think that the carrying of fish had the success of that road?—A. I am not aware. I do not think that was the only inducement. I am aware that barrels of mackerel are shipped and carried away from Summerside generally, sometimes to Charlottetown, sometimes to Shediac, and thence to Boston or Portland, or wherever.

Q. You think it is a very great benefit to the supplies here?—A. Yes.

Q. I understand your argument. And do you think you would like to have that market?—A. No; I think there must be some benefit. The merchants that supply it get a profit, whatever they can make.

Q. Then you do not hold that these supplies are principles of humanity? Your people sell provisions, do they not?—A. Yes; but you are well aware that a schooner or on 10, 50, or 100 vessels may not be able to do so.

Q. It is worth having?—A. It is some advantage, but it is not an equivalent.

JOSEPH CAMPBELL recalled.

Examined by Mr. Dana:

Question. I understood you to say that you had been writing about reports—official reports, or petitions, or appeals or gifts—to relieve the distressed condition of the people. Not any to my knowledge.

Q. Well, you have been in Nova Scotia, have you not?—A. Yes, I have been away in the States a good deal.

Q. But you have been in Nova Scotia within six, or seven, or eight years?—A. I have been, off and on.

Q. And in Cape Breton?—A. Yes.

Q. Well, now, I have here a document signed by H. B. B. I believe, was the assistant, or deputy, in Halifax of the marine and fisheries for the Dominion, to the Hon. J. A. B. as the head of the department. It is dated in 1871.

see if this will recall something to your memory. You recollect the date, 1868. Among other things he says :

For many years the inshore fishery has been pursued with varying success. During some years the catch of herring, mackerel, cod, &c., has been such as to place the fishermen in comparatively easy circumstances after a few months' work, while in others a scanty supply has reduced them almost to poverty.

Not many years since the shore fishery was abundant and lucrative, seldom decreasing so greatly as to cause much actual want, but with late years this branch of industry has fallen off to an alarming extent, and a failing fishery around the shores seems to excite no surprise. The cause of this failure (which during the last season has been almost total) can only be theoretically stated, but the observation of experienced persons indicates several reasons of considerable importance in producing this unfortunate result.

Then the results it is not worth while to go into. Among other things, it is said that "the mackerel make their appearance much later in the season, and are then hurrying southward to their winter haunts, remaining but a short time along the shores, and, if the weather should be stormy, the nets are frequently lost, and the great proportion of the fish pass by uncaught. So that the fish are brought upon the shores in November, a month noted for violent gales and stormy weather, when their capture becomes much more hazardous and difficult." The report goes on to say, "the prevalence of high winds from the northward has without a doubt a tendency to drive the fish far out into the deep water, beyond the limits of the net fishermen," and then goes on to say :

The failure of the inshore fisheries last autumn appears to have been nearly a total one, while the deep-sea fishery did not yield nearly so large a return as usual. As I before mentioned, in the western parts of the province, including Queens, Shelburne, Yarmouth, and Digby Counties, the inhabitants of the shore do not rely entirely upon this shore net fishing for a livelihood ; they are generally in possession of small vessels in which they pursue the bank fishing ; but even here I learn there is very considerable suffering, which is not restricted to the fishing population, but extends to small farmers and laboring men, and is the result of a failing crop last year and the want of sufficient employment.

Along the shores of Halifax and Lunenburg Counties few, if any, mackerel were taken last fall.

The following extract from a letter addressed to me by a gentleman residing at Cape Canso, who is largely engaged in fishing operations, will give some idea of the extent of the failure in Guysborough County :

"The deficiency of catch of fall mackerel in Chedabucto Bay, during the fall of 1867, cannot be less than 15,000 barrels, which, at a low average price of ten dollars per barrel, amounts to \$150,000 ; of herring the short catch will be not less in quantity, and if I were to say one half more it would be perhaps nearer the mark ; but taking the first figure as a deficiency of catch from Cape Canso, including Chedabucto Bay west to Beaver Light, a distance of sixty miles (west of that I have no reliable information), and placing them at the low price of three dollars per barrel, we have from these two kinds of fish alone the sum of \$195,000 that our eastern fishermen (leaving entirely out the east and west coasts of Cape Breton) are short producing for 1867. Now add to this the almost entire failure of some other kinds of fish not so generally known abroad but of much value at home, dog-fish in particular, of which in 1867 there was a total failure, no one boat producing \$4 worth against \$40 as an average for many years past, which, with a large falling off in cod, haddock, spring and summer mackerel, and other of less note, we have at the smallest possible computation a further deficiency of \$50,000, making in all an aggregate of \$245,000 to be borne by this class of men and the parties who supply them in the shape of debts unpaid on the one side and privation and denial of the common necessities of life, such as bread, molasses, tea, coffee, meat, and the common kinds of clothing, on the other side." * * *

The class of men who are maintained by the shore fisheries are as a general rule very poor, and many of them largely indebted to the merchants who supply them. The land on which they live is in the majority of instances rocky and sterile and incapable of cultivation beyond the raising of a few vegetables and a supply of hay for their scanty stock ; then, as I have before remarked, the principal means of their support is the result of a few months' labor, and during the winter months they are mostly unemployed, and thus a great portion of the year is rendered entirely unproductive ; this would not be the cause of such evil results if the produce of these few months of labor was as certain and as great as it formerly was, but with the present frequent short catches and the want of other remunerative employment, distress and want to a greater or less extent seem almost inevitable. The conclusion from these facts seems forced upon us that the inshore net fishery *per se* is quite insufficient to

AWARD OF THE FISHERY COMMISSION

side for the necessities of those engaged in it, and the question is not only abandoned as an industrial pursuit, and if not, under what conditions it is to be pursued."

Mr. DAVIES. Do you wish the witness to undertake to draw from a report on the fisheries of the Gulf of St. Lawrence?

Mr. DANA. I asked him if he was acquainted with the fisheries of Cape Breton. I laid the ground for my questions.

Mr. DAVIES. Does it purport to be a report as to the fisheries of Cape Breton? I am given to understand it is a report on a special locality.

Mr. DANA. It is entitled "Special Report on the Fisheries of Cape Breton by the Nova Scotia Fishermen."

Mr. DAVIES. It refers to St. Margaret's Bay, does it?

Mr. DANA. No; not all.

Q. Now, one plan for the relief of this distress is to furnish vessels to the fishermen on such terms as to be at less cost to themselves, the difference to be borne by the Government. Another plan suggested is the introduction of artificial fisheries. Did not you ever hear that spoken of as a plan to be encouraged; that is all.

Q. Did not you understand that the reason they gave for the failure of the fishing classes was that there had been so great a failure and so many failures?—A. I did not understand it. I did not hear it at all.

Q. Another reason given is, that "the pogies, the fish, is not caught east of Portland, and must all be brought to Portland, the increased cost of which, added to the American duty, the American has to pay on his share of fish, besides charging him in the position that if he catches during the season, 40 barrels of mackerel in one vessel, he has to pay for it by about \$100 gold as if he had been a foreign fisherman." Now, then, these two methods of relief are set forth very strongly, indeed, the deplorable condition of the fishermen engaged in the fisheries in 1868, and for one of the counties of Nova Scotia and Cape Breton. You have been told that they belong to the same Dominion?—A. Yes; but they are a little there.

Q. Haven't you heard of this? Has it not come out in the report that the report was not made any way strong to come to the aid of the fishermen? Is not that strong enough? Then there is a report of which is as follows:

The committee appointed by the house of assembly of Nova Scotia to investigate the condition of the distressed fishermen of the province, beg leave to report as follows:

That they have had a conference with the committee of Halifax, and that they have mutually agreed that out of the \$100,000, or thereabouts, they shall receive as the fair proportion a sum of \$4,000; and that of future contributions one-fifth shall be contributed by the Government.

The committee recommend that the sum of \$5,000 should be added to the general funds of the province for general distribution.

The committee, after careful examination and inquiry, are satisfied that at the present time among the fishing population of the counties of Antigonish, Queens, Lunenburg, Halifax, Guysborough, Antigonish, and Cape Breton great and wide-spread distress and destitution exists.

Your committee are also satisfied that this distress will rather increase until the first of June next, and that unless some arrangements be made, many will perish from starvation.

The committee are therefore of opinion that there is urgent need for the provincial authorities, but for a loud call upon the charitable contributions of this and the neighboring provinces.

6. The committee recommend that a suitable board be appointed by the government in each of the above counties, to take charge of and distribute the relief so provided.

7. Your committee have thus partially reported, and beg leave to recommend that five hundred copies of this report be published for general distribution, and that the substance of this report be forwarded by telegraph for publication in this and the neighboring provinces. All of which is respectfully submitted.

JOHN K. RYERSON
H. BLANCHARD,
M. B. DESBRISAY,
J. A. KIRK,
URBAIN DOUCETT,
SAMUEL FREEMAN,
JOSIAH HOOPER,
ALONZO WHITE,
JOHN ROSS.

That committee was not a voluntary one, but was appointed by the house of assembly of Nova Scotia, on the subject of the distress of the fishermen of Nova Scotia. A loud call was made, not only upon the people of this province, but upon those of the neighboring provinces, for relief for your brother fishermen. Then the subject was referred to the speech of his honor the lieutenant-governor in the following terms: "While rejoicing that the husbandman in the past season has had no reason to complain of a deficient harvest, I regret that an almost total failure in the fishery has produced much and general distress among those engaged in this branch of industry, and I have found it necessary to make considerable advances from the public treasury for their relief, an account of which will be submitted for the sanction and approval of your legislature." A similar reference was made in the address in reply to the speech of Governor Doyle. Subsequently to that his honor announced that "the legislatures of Ontario and Quebec have contributed the munificent sum of \$5,000 and \$4,000 respectively towards the relief of the distressed fishermen of this province." So that they had contributions in all the provinces, and yet you say you never heard of it?—A. No; I did not hear of it, and did not feel the effect of it.

Mr. DANA. You were sailing under the American flag and paying no duties. You got out of the way of it.

Q. Do you read the newspapers?—A. I do, sir; sometimes.

Q. Did you ever see the Quebec papers? Here is a Quebec paper called the Morning Chronicle. Did you ever hear of it? I have a copy of that paper here dated 15th October, 1875, in which reference is made to the distress in Labrador. Did you hear of that?—A. I heard of the failure of the fisheries, not of distress.

Q. But you supposed that if the fisheries failed there would be distress? The following is what appears in the paper I have referred to:

"We regret to hear from a most reliable source that, owing to the failure of the gulf fisheries this season, there is the gravest reason to apprehend the prevalence of great distress, if not of positive starvation, during the coming winter among the scattered fishing population along the dreary rock-bound coast of Labrador."

The article goes on to give the particulars, which I need not read at length. I think you must have heard of that state of things. There are debates in the legislature on this subject. There is the governor's speech, in which he says that, "while rejoicing that the husbandman has had no reason to complain of a deficient harvest, he has to report an almost total failure of the fisheries, that has produced much and general distress among those engaged in this branch of industry," and in which he states that he has found it necessary to make considerable

advances from the public treasury for their relief. Then there was the reply of the house of assembly: "We highly approve of the efforts made by your excellency to relieve the distress of the fishermen, and in common with your excellency we regret that the failure in that branch of industry has occasioned much and general distress among a useful class of the people." Then there was a speech by Mr. Blanchard, a vote of \$5,000 by the house for the relief of the fishermen. Then Mr. Cochran spoke, and Mr. White, and several other gentlemen, and then the house passed a resolution in aid of the fishing population of Nova Scotia and Cape Breton. And then you had distress in Labrador. You knew that the fishery had failed, and you might assume from that that there would be some distress, might you not?

A. Certainly it failed; but regarding the distress you have been speaking of, we have not felt that.

Q. And this did not come to your notice?—A. No.

Mr. DAVIES. Your reference is to one year—1868?

Mr. DANA. That was the time action was taken; but the report of Mr. Johnston shows that it had been going on for some years. He says, "Not many years since," &c., and "of late years," &c., showing that it had been going on for a number of years.

No. 7.

MONDAY, August 6.

The conference met.

Hon. GEORGE WILLIAM HOWLAN, Cascumpecque, Prince Edward Island, called on behalf of the government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You are a senator of the Dominion of Canada?—Answer. Yes.

Q. Formerly, I believe, you were a member of the executive council of Prince Edward Island?—A. Yes.

Q. For how many years?—A. Nearly 12 years, I believe.

Q. You have had a large acquaintance with the fisheries of the island?—A. Yes, somewhat.

Q. For how many years?—A. I think from about 1852 down to the present time.

Q. You have been engaged in the business?—A. Yes.

Q. You have carried on a large business at Cascumpecque?—A. Some at Cascumpecque, some at Tignish, and around the shores of New Cape.

Q. You are at present engaged in that business?—A. Yes.

Q. What distance from the land are mackerel caught at the island?

A. You have reference to our shore fisheries?

Q. Yes.—A. From about one mile to two miles.

Q. With regard to all the fishing—the schooner fishing and boat fishing—within what distance from the land are mackerel caught round Prince Edward Island?—A. By schooners round Prince Edward Island.

Q. By the foreign fleet—by the American fleet?—A. The American fleet fish outside the line, and inside the line, when they have the privilege to do so.

Q. In the whole fisheries, what proportion of the fish are caught within 3 miles of the land?—A. By the people of Prince Edward Island!

Q. I mean altogether?—A. By all peoples—by all fishermen! catch our fish—our shore fisheries are altogether within 3 miles

Q. The island fishermen catch their fish altogether within 3 miles of the shore?—A. That is our staple fish—mackerel, cod, hake, and had-dock.

Q. You are speaking of the boat fishing?—A. Yes.

Q. Of what size are the boats?—A. They are all the way from 15 to 30 feet keel.

Q. What distance can they go from the land?—A. Well, most of our fishing is done within three miles of shore.

Q. Are your boats adapted for going out a greater distance than 3 miles?—A. Some are and some are not.

Q. What proportion of them are so adapted?—A. Of all the boats of Prince Edward Island, I should think about 25 per cent.

Q. About 25 per cent. are adapted to outside fishing?—A. Yes.

Q. Do those boats engage in the outside fishing?—A. No.

Q. Why not?—A. The only way in which they engage in outside fishing is when they are driven by stress of weather from one side of the island to another.

Q. They don't fish outside three miles, although adapted to it?—A. They could go outside.

Q. They could carry it on if it was profitable?—A. They are not fitted for it. Their lines are not long enough for it to begin with. There is no fishing outside of the limits except they go to Banks, Miscon, and Bradley.

Q. Are you acquainted with the American fishermen who have been in the habit of coming to the island?—A. I am somewhat acquainted with them.

Q. From all the information you possess and from your own knowledge, where are the greater proportion of fish caught by the American fleet—what distance from the land?—A. Do you mean around Prince Edward Island?

Q. Yes.—A. The greater portion of fish at this season are caught at what is termed the bend of the island, off Rustico; also, from North Cape to East Point, and from North Cape to West Point.

Q. That is, by the American fleet?—A. These are the usual fishing-grounds, and also from St. Peter's Island to East Point.

Q. These are the fishing-grounds used by American fishermen?—A. They use them when they have the liberty to use them. These are the best fishing-grounds.

Q. Within what distance of the shore are the greater proportion of fish caught by the American fleet?—A. Do you speak with regard to the island?

Q. I am speaking of the very places you have last mentioned.—A. The majority of the catch is caught within the three-mile limit.

Q. Do you know when the American vessels leave home, the direction in which they come, and where they fish?—A. On the Prince Edward island coast?

Q. Are you aware of the time they leave their own ports, and the route they take?—A. When they set away for the bay fishing the first place they strike is Bank Bradley, off North Cape. They come there direct. They perhaps stop at Canso to refit.

Q. About what time do they arrive at Bank Bradley?—A. From the middle to the end of June.

Q. How long do they fish there?—A. They get the early fish there.

Q. How many days do they fish there?—A. That will depend upon the state of the season. Perhaps during one week or ten days the fish are there.

Q. That bank is how many miles from the shore?—A. Perhaps 15 or 20 miles.

Q. Until what period do the vessels remain in the bay?—A. Until about the first week in October.

Q. Where do they fish during that period?—A. The general fishing-ground is around North Cape.

Q. During the whole summer?—A. The summer fishing is from there around.

Q. Do they fish there from the time they arrive on the shores of the island to the time they leave?—A. Yes; from Georgetown to South, and from there to North Cape.

Q. Are you aware of the places where they fish after that?—A. When they leave the island they go to Port Hood, Cape Breton.

Q. During all that period the vessels are fishing near shore?—A. Unless we have a very heavy gale of wind off shore, and then they go off.

Q. For how long a period?—A. Perhaps during the duration of the gale—three days.

Q. Then they return to the shore again?—A. Yes; they may not, however, return to exactly the same places.

Q. Have you visited the fishing ports of the United States—Gloucester and other ports?—A. Once or twice I have been to Gloucester.

Q. Are you acquainted with the persons there whose capital is engaged in the fishing business?—A. With some of them.

Q. Do you do business for them?—A. Sometimes I do business for them.

Q. Have you had any communication or conversation with them on the subject of fishing?—A. Yes; several times.

Q. And with the masters of those vessels?—A. Yes.

Q. Will you state upon what terms they fish? Describe the mode of fitting out and the terms on which the fishermen go in the vessels.—A. The terms are different at different places. At Gloucester the system is called the Cape Ann lay. At Cape Cod it is the South Shore lay. The usual custom that prevails is what is called half-line. The owner finds the vessel and fits her out, and the crew generally get one half of the fish, and pay the captain from 2½ to 5 per cent. on the gross catch. When the system of licenses prevailed, the crew usually paid the license, and in some instances, under a good master, they paid for money. The cook is generally paid by the crew, as they like to have him well. The general pay of a good cook is almost as much as a master has.

Q. Can you see the vessels fishing from the place where you reside?—A. Yes.

Q. How far from the shore do they fish?—A. It depends whether they fish inshore or not. This time of the season they are generally fishing inshore.

Q. What do you mean by inshore?—A. Say within two miles of the shore.

Q. Are the vessels lying within two miles of the shore?—A. Yes, this season of the year.

Q. From your knowledge of the business, would it be reasonable and practicable for the American fleet to carry on fishing, if they were excluded from fishing within three miles from the shore?—A. I would not care to engage in it myself.

Q. Would you do so?—A. I would not.

Q. Not if you were rigidly excluded from fishing within three miles

of the shore?—A. The information I have on that point is this: The irritation caused by the continuous watchfulness and care of the cutters—

Q. Before you go into that I want to ask you whether you would do so, assuming you were rigidly excluded beyond a line three miles from land?—A. I would not.

Q. You say you would not engage in the business; would it be a profitable business?—A. I think not—not from my experience. My explanation is this: It is generally difficult to procure a good crew of men to fish in any waters where they are peculiarly embarrassed and irritated from time to time from the watchfulness and care generally exercised in these cases. Men dislike to do it unless they have the right to fish inshore—the right to fish wherever they find fish.

Q. You are speaking of a case where by law they are excluded and where they violate the law?—A. Yes.

Q. I am speaking of a case where they are by the law excluded and where they obey the law. Suppose they were to be excluded, and suppose they were to be so excluded that they did not attempt to come over that line, what would be the effect?—A. The chances would be very much against any vessel making a fare.

Q. From your communication with masters and owners and persons engaged in the business, do you think they would engage in it? Have you had conversation with them on the point?—A. I have conversed with several masters and owners.

Q. Would they fit out vessels?—A. They would hesitate to do so. I don't think any man would commence the business and put his capital into it if he knew he would be excluded from the inshore fisheries. That is generally the information I have received from them.

Q. Why would you not engage in the business if excluded from fishing within three miles?—A. My experience in the majority of cases is that unless they had the right to the inshore fishing the business would be a failure.

Q. Can you mention any season when the majority of the fish were caught outside?—A. By American fishermen?

Q. Yes.—A. I certainly could not tell you. I have never been on board the American fishing vessels. The general feeling among Americans is that they very much wish to have the use of the inshore fishery as on that depends pretty much the success of their voyages. That is the impression I have always received from both owners and masters.

Q. During how long a period?—A. Ever since I have been connected with the business. That is the universal feeling.

Q. Have you ever heard any other opinion expressed during that period?—A. By the fishermen themselves?

Q. Yes, by them.—A. No; it is the almost universal opinion.

Q. You have never heard any other opinion expressed? A. I have heard other opinions. But I am speaking of the experience of masters and owners of vessels? I don't think I have ever heard any other opinion from them.

Q. During the periods when they were restricted by law, I want to know whether they fished within the three-mile limit during the time when the cutters were on the coast watching them?—A. Do you speak of vessels which had no licenses?

Q. Unlicensed vessels?—A. I think, as a general rule, they kept pretty well clear of the three miles, but at times they got inside.

Q. You have spoken about irritation; I want you now to explain that. I think you said they did not wish to be subjected to cutters coming after

them?—A. You can readily understand that a fishing vessel is different from almost any other vessel, as each of the crew is as much interested in the voyage as the master, they working on joint account. It is not very easy to know whether they have been fishing inside the three-mile limit or not. A vessel fishing along the shore from North Cape to Kildare, keeping inshore within the three-mile limit, might drift out at night and find itself off Rustico at daylight, or it might run down so as to make the land at daybreak.

Q. I ask you whether you did not mean that the owners of vessels did not wish to be subjected to irritation and annoyance?—A. From the experience and conversation I have had with owners of vessels, the conclusion in their minds seemed to be that it was almost a necessity of the voyage that they should have the right to the inshore fisheries for they ran the risk of losing not only their vessel but their outfit.

Q. Did they run the risk of being captured?—A. In some instances they were captured.

Q. Those persons of whom you have spoken, were they in the habit of running the risk of being captured by entering the three-mile limit when the cutters were not in sight?—A. When the cutters were not in sight they were in the habit of going within the three-mile limit.

Q. You are speaking of your communications with the captains?—A. Yes, that is my experience.

Q. That is knowledge gathered from them?—A. Yes, and by actual observation as well.

Q. Was there any possibility of guarding the coast with the number of cutters used?—A. I think not; it was almost impossible to guard the coast.

Q. You might describe how that was?—A. The steamers (the cutters) generally were in Cascumpecque Harbor, and the vessels watch them come and go in. The steamers cannot enter Rustico Harbor and New London; one steamer was lost there.

Q. It was difficult for the steamers to enter other harbors?—A. Yes, on account of the shoal water.

Q. Where would the steamers be?—A. They would be outside.

Q. How far out?—A. In four, five or ten fathoms.

Q. In that case they would always be seen?—A. Yes.

Q. That would prove a great difficulty in protecting the fisheries?—A. There would be in that way, because while the cutters were here the American vessels might be fishing within the limits, from West Cape to North Cape.

Q. How many miles of coast would that be—and the whole coastline?—A. About 160 miles from East Point to North Point, about 40 miles from North Point to West Point; the total length from 300 to 400 miles. From Charlottetown to Summerside the coast is not frequented by mackerel on account of the formation of the bottom of the Gulf.

Q. About the state of the Island fisheries, you have a large number of fishing boats on the Island?—A. Yes, there is a good number.

Q. Do you consider that the boat-fishing is a valuable fishing?—A. We look on it as such.

Q. About how many boats have you there?—A. Between 1,300 and 1,500.

Q. Of late years the boat-fishing has increased?—A. A good deal since 1870.

Q. How much has it increased since that date?—A. The number has doubled I think between 1860 and 1870, and it has increased since 1870 by about 300 boats.

Q. Is there any schooner-fishing carried on from the island?—A. Not as much as formerly.

Q. What do you consider the reason of the decline?—A. The reason why we have gone from schooner into boat fishing is this: After the repeal of the Reciprocity Treaty, the vessels which carried on our business carried on not only the fishing business, but that of carrying agricultural produce. In spring they would be employed in carrying oats and potatoes to the nearest ports of the United States, and they would go out fishing in the fall. When the Reciprocity Treaty was repealed only 25 per cent. of our population were engaged in fishing and 75 per cent. in agriculture. We necessarily had to find new markets for our produce. We sold our schooners and built brigs and barques, and sent our oats in that way to England and to France. Having the inshore fisheries preserved to us, we put our money either into small fishing boats or into larger vessels, brigs and barques, and in that way our mackerel fleet has decreased. We have not more than 35 or 40 vessels now.

Q. There is ample opportunity to carry on the boat-fishing there?—A. The opportunity is unlimited.

Q. You consider boat-fishing more profitable than schooner-fishing?—A. We do.

Q. Can you carry it on with less capital?—A. Yes; a well-fitted fishing vessel of 60 or 70 tons would cost \$5,000. That sum would purchase perhaps 25 boats. So that while the vessel would have the catch of 12 or 14 men, you would have from the same capital invested in boats the catch of 75 men.

Q. The question arises whether you have the capital to carry on the business, suppose you had the fishing all to yourselves?—A. We could very well attract capital; but while the fisheries question is in a state of irritation no men care to put much capital into it.

Q. You would have no difficulty in getting capital if you had the fisheries exclusively to yourselves?—A. I don't think there would be any difficulty.

Q. To what extent do you think it would be increased?—A. It would be increased, at all events, to within the possible number of men we could devote to it. At the present time most of the fishermen are farmers as well. The fisheries are only in their infancy around Prince Edward Island.

Q. How many men are engaged in the fishing business of the island?—A. About 25 per cent.

Q. About what would be the number?—A. Calling the population 100,000, and taking the number at 20 per cent., there will be about 5,000 men engaged in the fishing business directly and indirectly.

Q. You say they are partially engaged in farming?—A. Yes.

Q. Has the fishing interest been promoted to any extent by the exclusion of the American fishermen during those periods they were excluded or partially excluded?—A. Do you refer to the promotion of our inshore fisheries?

Q. Yes; during the time the American fishermen were excluded or partially excluded, after the abrogation of the Reciprocity Treaty, did your people obtain any benefit from the protection of the inshore fisheries?—A. I think experience will show they have. That is our impression. That is the general impression of those on the island engaged in the fisheries.

Q. That was the effect of the abrogation of the treaty?—A. Yes.

Q. Supposing American fishermen were excluded entirely, what in your opinion would be the effect?—A. To the shore fisheries?

Q. To the Canadian fisheries.—A. My opinion is, that while I should be very glad to see the American fishermen coming to us, still, speaking from an abstract point as to whether the fisheries would be more valuable to us if left to the island people, I say yes.

Q. It would be in the interest of Canadian fishermen?—A. Yes.

Q. Explain how it would be so.—A. One reason would be this: that having the inshore fisheries protected and altogether for the use of the Dominion fishermen, a larger amount of capital would be invested and a larger quantity of fish would be taken.

Q. I want you to consider this in view of any duty that might be imposed by the United States.—A. So far as the duties are concerned, they regulate themselves, like the laws of all other commerce.

Q. Considering that the United States would have the right to impose any duty, do you, in view of that, hold the opinion that it would be to the advantage of the Canadian fishermen to exclude Americans?—A. I do, from the inshore fisheries.

Q. You are decidedly of that opinion?—A. Yes.

Q. Do I understand that such is the general opinion of the people of Prince Edward Island?—A. Yes; it is pretty much the general opinion of those engaged in the fisheries at the island.

Q. Who, in your opinion, would pay and have paid the duty, under the circumstances, where it has been imposed by the United States?—A. We generally look upon the consumers as having to pay it. It depends altogether upon the law of supply and demand.

Q. Is that a theory of yours, or is it your experience?—A. The average taken during the time of the Reciprocity Treaty and the average since will lead to that conclusion. There is no question that when the right to a market during several years for a great interest, and the business necessarily growing out of such an investment, is checked, it gives rise to a different state of affairs; but if the fisheries were placed exclusively for the use of Canadian fishermen, I am deliberately of opinion that it would be better for them, because it does not follow that in the exercise of the wisdom a man brings to bear on his business it is necessary to follow mackerel at all. There are some portions of the fisheries in which they prohibit or discountenance the catching of mackerel. In Bay Chaleur they discountenance the catching of mackerel and catch cod. It has been an open question whether fishing for cod, hake, and haddock would not be more profitable.

Q. If the American fleet were excluded from the fisheries of Prince Edward Island, what other source of supply would be open to them?—A. They have the right to fish outside three miles and in their own waters.

Q. Do you consider it an unprofitable business fishing there?—A. I think so. I should not care to embark in it.

Q. I am now asking you, in view of the entire exclusion of all foreign fishing-vessels from our inshore fisheries, what would be the effect?—A. I wish to be distinctly understood that I am speaking altogether with reference to Prince Edward Island fisheries; not being acquainted with the American coast, I cannot give an opinion in regard to it.

Q. Why do you say that we should not have to pay the duty imposed by the United States?—A. It depends on the law of supply and demand. If the quantity of fish required by the United States is 100,000 barrels and the catch by the American fishermen is only 60,000, it follows that they are 40 per cent. short. So up goes the price of mackerel, and

must go outside for them. That was clearly established last year in potatoes. While they were 20c. a bushel at the island, they were exported and sold at \$1.10 in the United States. The consumer must have paid the duty.

Q. What was the duty levied on those sent to the United States?—A. Fifteen cents a bushel, I think.

Q. What were the prices of mackerel from 1860 to 1865, and from 1865 subsequently; were mackerel higher or lower?—A. The average from 1860 to 1865 was \$11.60, American currency, gross. From 1866 to 1872 the price was \$14.

Q. The price was higher after the abrogation of the Reciprocity Treaty than it was before?—A. The average price was higher.

By Sir Alexander Galt:

Q. What description of fish are you now speaking of?—A. Mackerel.

Q. What numbers?—A. Taking the average of Nos. 1, 2, and 3 during that period. A better illustration of the way in which prices go up and down would be to take the prices of the past two years. Here is the return of the Boston Fish Bureau for 1875 and 1876. In 1875 home-caught fish were 23,000 barrels; foreign-caught fish, 61,000 barrels. The prices ranged from \$19.25 for No. 1 to \$10.50 for No. 2, and \$7.40 for No. 3. The next year the position is reversed. In 1876 the home-caught fish were 82,935 barrels; foreign-caught, 43,000. That year the prices were \$14, \$8, and \$6. So the price goes up and down with the catch.

By Mr. Weatherbe:

Q. Your opinion is that you would have control of the markets?—A. The fisheries of the United States are not sufficient to supply the American markets. The item of mackerel, of which I am particularly speaking, is an item of export to the United States, where it is looked upon as a luxury. We in the fishing trade general think that pork and mackerel carry their values together—that the American puts one of the two into his house in the winter, either a barrel of the best pork or a barrel of mackerel. It would appear on looking over the statistics that while the modes of catching mackerel, the number of vessels and men employed, have been increasing every year, from which it might be expected to follow that the fish would get lower in price, such is not the case. Thirty years ago they were cheaper than to-day. The prices thirty years ago were—No. 1, \$5.30; No. 2, \$4.60; No. 3, \$3.50.

Q. Have you any knowledge of the tonnage employed in the American fleet during the existence of the Reciprocity Treaty; what was the maximum tonnage?—A. I think in 1854, at the commencement of the treaty, the tonnage was about 154,000 tons. From 1854 to 1862 it ran up to 203,000 tons odd.

Q. What was the highest tonnage?—A. 203,000 tons.

Q. Did it rise or fall after the abrogation of the treaty?—A. From 1862 to 1868 (in 1866 the treaty was abrogated) it fell from 203,000 to 14,000.

Q. To what do you attribute that?—A. To a variety of reasons. A number of vessels went into other businesses, for one thing—into the coasting trade and into other lines of business.

Q. You are speaking of the American fleet?—A. Yes. Another reason was the irritation caused by the surveillance exercised inshore of the gulf.

Q. Is it your opinion that had an effect on it or not?—A. I think it had a very serious effect upon it from what I can learn.

Q. Is that the opinion of well-informed Americans on the subject?—
A. A good many of the owners of vessels in Gloucester are of that opinion.

Q. Have the people of the fishing villages on the coast of Prince Edward Island been benefited, and, if so, to what extent, by trade with American fishing parties?—A. We are always very glad to have American people come and trade with us.

Q. You trade with them yourself?—A. I do.

Q. Is it a very great advantage to the people of the island?—A. I never knew a man shut his shop to a customer.

Q. Is it any advantage to them?—A. I think it is mutually advantageous.

Q. Are you sustained in any great measure by it?—A. No; not at all. There is no one man on the island who could make a business of it, if he had the whole of it.

Q. Has that trade increased or decreased since the date of the Washington Treaty?—A. That trade has materially decreased since the repeal of the Reciprocity Treaty.

Q. Can you tell me why?—A. I think one great reason was, that the great expenditure in the United States caused a very heavy revenue to be raised for the war and brought taxes upon the manufactures of the country. I know that in several instances where I sold a great many barrels to American fishermen, they say they would be very glad still to buy them, but they are compelled to buy their barrels at home, and they are branded all complete, except the number, when taken on board. Sometimes when they ran short and bought a few additional, they had to pay duties on them when they got home. Supplies are now sent for those vessels by steamer to Charlottetown, and with our railways through the island they can be sent through in bond. Men having twenty vessels often do that and thus send sails and supplies.

Q. Had you been in the habit of supplying barrels?—A. Yes; have sold them a good many barrels.

Q. Recently they have brought barrels from home?—A. Yes, and are obliged to do so; that is what they tell us.

Q. Speaking of sails, why do they require sails to be sent?—A. A vessel comes down in the spring and she has generally poor sails. She remains in the bay when the weather gets rough, they send for a good set of sails.

Q. Are those sails sent by the regular line of steamboats?—A. Yes, to Charlottetown; but they can have them distributed by railway to Cascumpecque, Souris, Georgetown, or Summerside.

Q. These ports are all within the fishing district?—A. Yes.

Q. I understand there is a railway station at Cascumpecque, where you reside?—A. Yes; right at the wharf.

Q. Are you aware whether it is the practice to send other things besides sails?—A. Sometimes it is done. They send beef, very often comes to my care; sometimes pork.

Q. I believe you are consular agent at Cascumpecque for the United States?—A. Yes.

Q. And you say you act for some of these fishing men?—A. Yes.

Q. With regard to transshipment, have you any knowledge in regard to that matter?—A. Yes.

Q. Do you consider it an advantage to the Americans?—A. Yes; considerable advantage to both merchants and fishermen.

Q. Describe how it is so, and to what extent it is practiced.—
The privilege of transshipment is always looked upon by the fisher-

as equivalent to one trip, while the merchants look upon it as of very great use to them, especially a merchant having, say, ten or twenty vessels. If those vessels have 100 or 200 barrels the merchant can land them in any port and have them transshipped to the United States. He thus receives a return for the capital invested much quicker than if the vessel herself were to carry them home. Not only so, but as all the vessels are insured in a mutual insurance company, it relieves the risk of the amount for crossing the bay. The privilege of transshipment is looked upon as very important.

Q. How much do you consider that it would amount to with regard to trips?—A. To about one extra trip.

Q. Are or were your vessels ever in the habit of going to American waters to fish?—A. Never knew but one do so.

Q. When was that?—A. Within the past seven years; I think she was a schooner called the Lettie; she went there after pogies.

Q. She was an island vessel?—A. Yes.

Q. How long did she fish there?—A. She went there one trip; it was a sort of experiment. She did not do anything, and she brought back such reports that no other vessel has ever made the venture.

Q. It was an experiment, and it did not succeed?—A. Yes.

Q. Had you any interest in this vessel?—A. No; none.

Q. How many of the American fleet have you ever seen in your harbor at one time?—A. About 340.

Q. On what occasion would they assemble in such large numbers?—

A. When there was a gale of wind.

Q. How often have you seen them there?—A. Annually.

Q. Do you often see hundreds of vessels there?—A. Not now. We do not now see so many as we used to see some three years ago. Very few have visited the harbor during the last two or three years.

Q. How are your fisheries this year?—A. Very good so far.

Q. Do you know how many vessels are likely to go there this year?—A. I have no way of getting information on this point otherwise than from the public prints, and by correspondence with my agents.

Q. But you have knowledge concerning it as a business man, have you not?—A. They say that at the present time 400 vessels are on their way, and that 400 are following these. I learn that from the public prints, and from information received from my correspondents.

Q. Do you believe that to be a fact?—A. I think that it may be a little exaggerated; but I dare say that there will be from 500 to 600 American vessels in the bay this year.

Q. Do you know whether the fisheries have ever been very much better at any time?—A. We had one year quite as good; but I never knew them to be better so far.

Q. You never knew them to be better, save during one year—that is to the present time?—A. Yes.

Q. Are you acquainted with seine fishing?—A. I am not.

Q. What is your opinion with regard to the practice of the throwing over of offal? What is its effect on the fisheries?—A. We look upon it as being very injurious to them.

Q. To what extent is it practiced?—A. Most of our fishermen, except when they are hard pressed, will go off shore and dress their fish.

Q. Do they do this as a general rule?—A. They generally throw it overboard when they are off the grounds.

Q. What effect does the practice of throwing it over on the fishing grounds produce?—A. It is very destructive to the fisheries.

Q. Do your boats follow this practice?—A. We never permit them to do so when we can possibly avoid it.

Q. You speak of the Bay of Chaleurs; you are not practically acquainted with the fishing there?—A. No.

Q. Are you acquainted with the discouragement shown there to the mackerel-fishing?—A. Yes; I am acquainted with it.

Q. You were referring to the discouragement shown by the Jersey-men?—A. I was speaking of their discouraging the mackerel-fishing.

Q. Do you know why they discourage it?—A. Because they find cod-fishing is more profitable. They are entirely engaged in the foreign codfish trade with the Mediterranean.

Q. They are not engaged in mackerel-fishing at all?—A. Just for bait.

By Mr. Trescott:

Q. You have mentioned about the investment of capital in the mackerel-fishing in Gloucester. Can you tell the variation in the price of mackerel during the last 10 or 15 years?—A. Yes.

Q. The minimum and maximum as you recollect it?—A. From 1855 to 1865 the price averaged \$11.60; from 1866 to 1872 the average was \$14.

Q. How much has it varied in price?—A. The difference between \$11.60 and \$14.

Q. During the last 10 or 15 years what has been the minimum and what the maximum price? I understand it has varied from \$14 to \$11.—A. In 1860 it was \$12; 1862, \$12; 1863, \$11; 1864, \$9; 1865, \$12; 1866, \$13; 1867, \$13; 1868, \$11; 1869, \$17; 1870, \$22; 1871, \$23; 1872, \$11; 1874, \$14; 1875, \$10; 1876, \$17.

Q. It has varied from \$11 to about \$24?—A. Yes.

Q. That is an indication that mackerel is a fish of variable value?—A. Yes.

Q. That has been proved also by the condition of the fisheries, and prosperity of the fishermen, which have varied during different years?—A. Yes.

Q. Don't you know that, as far as Gloucester is concerned, a great amount of the capital employed would be withdrawn if it were not where it is?—A. I think the same rule will apply to almost any business.

Q. Don't you know that the most the men do is to make a living, and that they keep the capital invested in the business because they can't change it?—A. If a man goes into a particular business he must do so to succeed.

Q. The mackerel fishing is a variable fishing, is it not?—A. Yes.

Q. The prices are also variable?—A. Yes.

Q. And with regard to Gloucester; the capital having been employed in that business so long, giving employment to so many people, it can not be changed to another channel at once, but the investment of capital is no indication of any pecuniary value of the fisheries?—A. I think it is, for this reason: it has been steadily raised year after year.

Q. Largely so?—A. I think largely so in 20 years; I have known for about 20 years.

Q. What has been the increase in the last six years?—A. I think there has been a good deal. They have invested a great deal of capital during the last six years in expensive seines. More money has been invested in that way during the last six years than was during the previous years in vessels.

Q. Is there a larger number of vessels also?—A. I think so.

Q. Do you mean coming up here?—A. I mean engaged in the American fisheries. Less vessels come here.

Q. Has not the capital invested in the fishing business in Gloucester diminished?—A. No.

Q. You think that has increased also?—A. Certainly.

Q. That it has increased in the American fisheries, and in the fisheries of the Gulf also?—A. They have increased the amount of capital invested in seines and improved modes of taking fish, which have cost in some instances nearly as much as the vessels themselves. I think also the names of vessels has increased.

Q. With regard to the calculations made as to the number of vessels coming into the fisheries, and the catches made; that is not an estimate that can be relied on—it is a guess after all? In regard to the 350 American vessels going there, that is an inference from the general run of the business?—A. They know pretty well. Canso, Souris, and Georgetown are generally the headquarters of the fleet in the gulf. The skipper comes ashore, and are communicative. In fact, in many instances they are interested in each other's vessels, and they look after the catch. They can tell pretty well what it is.

Q. It would be no more certain than the estimate of a storekeeper of the number of people who entered his store in a day?—A. A great deal more so.

Q. Why?—A. The fishermen and those in the fisheries know as well as a matter of that kind can be known how many barrels vessels have taken. It is pretty reliable—as reliable as anything you can get.

Q. If there were a \$2 license on each vessel, would you take that general estimate in arriving at the number of vessels?—A. I have never done that in regard to vessels, but I have done so with the takes of boats. I have bought out a day's fishing in that way.

Q. But no fisherman would take a guess like that?—A. If a master of a fishing vessel, with whom I was well acquainted as an honest, straightforward man, said he had 340 or 350 barrels, I should see no reason to doubt him.

Q. What sort of accuracy is to be attached to that estimate of the number of vessels on the coast? Is it not guess-work?—A. It is guess-work to a certain extent. It is as near as you can tell from what is heard from one and another.

Q. It is hearsay?—A. It is as nearly accurate as you can get anything of that kind.

Q. It is an impression?—A. It does not arise from an impression. A vessel may come into Georgetown with a broken spar, and the captain report that there are 75 vessels at the Magdalen Islands. Another vessel would report 100 vessels in Bay Chaleurs. That is the only way in which you can get at the number of vessels in the bay.

Q. With regard to the catch; is there any more certainty about that?—A. About the same.

Q. If 300 vessels were fishing together inshore, lee-bowing each other, and they drifted outside the limits, no estimate could be made of the quantity of fish caught inside and outside the limits, even if the number of barrels caught were known? All in regard to the number of vessels and the catch made is a pretty general estimate?—A. It is just an estimate as you would procure yourself if you were appointed to procure an estimate. There is no other way of procuring it. I don't know any other way.

Q. With regard to the transshipment, do you refer specially to the transshipment at a point and down the railroad to Charlottetown?—A.

It is sometimes sent to Charlottetown. I can send a barrel of fish from Cascumpecque to Boston for 80 cents, from Charlottetown for 60 cents, from Georgetown or Souris for 80 cents. The through rate from either of these ports, to which the railway runs, to Charlottetown, is only 20 cents a barrel.

Q. You think the privilege of transshipment is equivalent to an extra trip?—A. Yes.

Q. One extra in three trips?—A. Yes.

Q. It is a saving in time, not in outfit?—A. If a vessel fits out with 15 men for 500 barrels, and catches 200, they can be at once sent home. If five vessels belonging to a Gloucester firm are in the bay, each having 200 barrels of No. 3 on board, and a large fleet is coming down with seines, they can land the barrels at Charlottetown, and on Friday the owner can have the proceeds in his counting-room.

Q. With regard to the trade with the American fishermen, you don't consider it directly of very great advantage, but simply as an incidental advantage?—A. We are very glad to have it.

Q. Not as a matter of pecuniary calculation?—A. No. It is looked on, as all matters of business are, as mutually advantageous.

Q. It is not a privilege granted to either party?—A. No man goes to a man to buy unless he wants the goods.

Q. No man would pay for the privilege of being permitted to buy?—A. I and my neighbors are very glad to have the trade. I suppose it is because we have the stuff which suits them that they buy it.

By Mr. Foster :

Q. I understand you to say that the mackerel fishing carried on from Gloucester in your British waters, has increased within the last five or six years?—A. I did not say so. I was asked whether I believed that the capital so invested in Gloucester within the last six years, had increased, and I say yes.

Q. Then this mackerel fishing in British waters, during the last five or six years has not increased, but diminished?—A. I think so.

Q. And steadily diminished?—A. I think so; and more particularly during the last two and three years; but I also think, judging from present prospects, and the information I at present have from the fishing grounds, and my correspondents, that the catch of this year will be little more than compensate for it as respects the average.

Q. Have you late information?—A. I have it, dating within the last few days.

Q. Within a week?—A. Yes.

Q. The latest I got was the other day.—A. I had a letter from our agents dated Thursday last.

Q. From where?—A. Boston; and they say a very large fleet has left for the bay; that a large fleet will follow; that there is no fishing on the American coast; and that most of the vessels there report from four to ten barrels caught. I believe that 400 seiners will come up.

Q. Did you hear of the catch this year off Block Island?—A. No. I did not. We generally can tell at this time of the year what the prospects are. If the fish do not strike the American coast before June, they do not so afterwards.

Q. If a small-sized vessel off Block Island caught 150 barrels in a few days, do you think it would indicate that the fish were moving in that direction?—A. It would indicate that they were coming or going. They might be going back.

Q. As late as August?—A. They very often do.

By Mr. Weatherbe :

Q. You told Mr. Foster that the fisheries had decreased during the last five or six years ?—A. The number of vessels coming to the gulf, during the last five or six years, has decreased.

Q. What about the fish themselves ?—A. The fish are there.

Q. The fish have been there ?—A. Yes.

Q. But the number of vessels fishing has been smaller ?—A. The best proof of that is the exports of Prince Edward Island for that period.

Q. What have they been ?—A. In 1865, the last year of the treaty, they amounted to \$181,675 in value. This is taken from a book entitled "Fishermen's Memorial and Record Book," by George W. Proctor, of Gloucester, Mass.

By Mr. Foster :

Q. For what years ?—A. From 1830 to October, 1873. In 1865, the last year of the treaty, the exports of Prince Edward Island for the current year ending first of January amounted to \$181,675. For the corresponding time in Gloucester there were 141,000 barrels caught. In 1866, the first year of the abrogation of the treaty, the exports of Prince Edward Island were \$79,990 in value, while in Gloucester there was a falling off from 141,575 barrels in 1865 to 112,856 barrels in 1866. In 1867 the exports for the island amounted to \$119,195, while in Gloucester there was a falling off from 112,000 to 103,000 barrels. Our exports rose again in 1868 from \$119,195 to \$161,836; and for Gloucester, in 1868, there was a falling off from 103,000 to 75,000 barrels. The exports in 1869 amounted in all to \$109,625; in 1870 they amounted to \$176,280; and in 1871 to \$146,925; while the number of barrels for Gloucester decreased from 146,000 in 1871 to 111,000 in 1872.

By Hon. Mr. Kellogg :

Q. Did the fish exports of Prince Edward Island, from 1854 to 1866, increase or decrease ?—A. They increased.

By Mr. Weatherbe :

Q. Mr. Foster wishes to know where you obtain this information ?—A. From the journals of Prince Edward Island; from tables I prepared myself when I was a member of the government.

Q. And you can say whether they are correct ?—A. Yes.

Q. You prepared them yourself ?—A. Yes.

By Mr. Foster :

Q. Are they in print ?—A. Yes. For the three years from 1857 to 1860 the exports increased, and from 1861 to 1865 they decreased. This is what the exports show.

By Mr. Weatherbe :

Q. Are the fish transshipped as American or British fish ?—A. As American.

Q. Suppose Americans buy fish from the island fishermen, do they then generally come under the head of American fish ?—A. That is veryeldom done. During the period after the abrogation of the Reciprocity treaty the Americans were permitted by their government to hire British boats and fish, and send the catch in afterwards as Americanackerel.

Q. And they did that ?—A. Yes; in some few instances.

By Mr. Foster :

Q. Can you give us the exports for later years ? What is the last year which you give them ?—A. For 1872.

Q. Give us the mackerel exports since 1872.—A. I have not got returns for the succeeding years; you can readily understand that since I have left local politics and gone into Dominion politics, I have not paid the same attention to this question that I did previously.

Q. You have no reason to doubt that the statements contained in the report of the Department of Fisheries for 1876 are correct?—A. I have very grave doubts about it.

Q. What is the matter with it?—A. I do not think that it properly represents the exports, and particularly as relates to Prince Edward Island, and I will show you why: we very often have to load a vessel at Tignish, and while loading off shore, there may come up a breeze, and she will go to Shediac or Charlottetown; sometimes she will sail to Shediac, the fish being sent on the Intercolonial Railway to St. John, and from thence by steamer. This fish is generally put down either to the United States or to New Brunswick as the case may be, by the papers of St. John; I know that one year I myself shipped more fish than appeared in the returns altogether.

Q. What year was that?—A. I forget. It was within the last seven years. In comparing the statistics of the United States with our own, it is to be borne in mind that the fish which our people eat are never included in these figures at all.

Q. Who now makes up the returns?—A. They are taken from the custom-house returns for Prince Edward Island.

Q. Who is the collector?—A. Mr. Currier, of Charlottetown.

Q. Who collects the returns at the different ports?—A. We have only one port, speaking from a custom-house stand-point, and that is Charlottetown; all the others are subordinate to it.

Q. I suppose that when you made the returns it was true that most of your mackerel went to the United States?—A. This was pretty much the case. Some few went to the West Indies.

By Mr. Thomson:

Q. The Dominion statistics are in your opinion erroneous?—A. I speak most confidently in this respect for Prince Edward Island.

Q. But that does not improve your confidence in them with regard to other places?—A. I cannot speak concerning them in that relation.

Q. In other words, Mr. Howland, these Dominion estimates are unduly low estimates in your judgment?—A. They are. I speak more confidently regarding Prince Edward Island.

By Hon. W. Kellogg:

Q. Are these returns made from the custom-house, or by officers under obligations to collect them?—A. If cleared, they are made at the custom-house.

Q. They are made under the provisions of a law, are they not?—Yes. If a vessel clears at the custom-house this appears in the returns, but if not, not.

Q. It is the duty of the officials, according to the provisions of law, to prepare them?—A. Yes; the returns apply to all the vessels that are entered. I think you will find it mentioned in a return that 238 barrels of oysters were exported from Prince Edward Island while the actual export was nearly 6,000 or 7,000 barrels.

By Mr. Weatherbe:

Q. Would you state, with regard to a report read here the other day representing that very great distress has existed amongst the fishermen, whether there is any great depression in connection with the

eries, and destitution amongst the people?—A. Such does not exist. We had one year when the fisheries were in a depressed state, but you could not say exactly that destitution existed, because our fishermen are partly fishermen and partly farmers.

Q. There was depression?—A. Yes.

Q. What year was that?—A. I think it was 1861.

By Mr. Foster:

Q. It was 1861?—A. 1861 or '2.

By Mr. Weatherbe:

Q. Was it not 1868?—A. Yes; it was 1868.

Q. Was it a very serious matter at all?—A. It was not general over the island.

Q. It was a temporary depression?—A. Yes; it was confined to one particular place.

By Mr. Foster:

Q. Which part of the island?—A. The northeastern.

By Mr. Weatherbe:

Q. Has anything of that kind since occurred?—A. No; I was representing this district at the time in the government, and I will tell you how we remedied it. We appropriated £1,000 to build a breakwater for the use of the fishermen, and we gave them money in the spring of the year to buy seed. They repaid us in lumber in the winter. I was leader of the government at the time.

Q. You mentioned 1861?—A. I was mistaken; it was 1868.

Q. Do you recollect any other year of depression during the past twenty-five years?—A. No.

By Sir Alexander Galt:

Q. What was the cause, or was there a cause, for the depression of 1868?—A. It extended not only to the fisheries, but also to agriculture. We had a low price for fish, and a poor crop, both together, and a late spring; the ice was on the coast, as was the case two years ago, and the farmers did not get their crops in until late; consequently they had a poor crop.

By Mr. Foster:

Q. Was the harvest bad that year?—A. Yes.

Q. Was this the case elsewhere than on the island?—A. It existed only on that portion of the coast which was exposed to the northeast trade.

Q. Did the failure of the harvest extend to Nova Scotia?—A. No.

Q. They had "a bountiful harvest," to use the words of the governor of Nova Scotia, with a total failure of the fisheries?—A. I could not speak with regard to New Brunswick.

Q. You were afflicted with a failure of the fisheries and harvest together?—A. Yes.

Q. Was there not a diminution in the catch of fish as well as a low price for them in 1868?—A. No; in 1867 the exports amounted to 19,195, and in 1868 to \$161,836.

Q. In the aggregate?—A. Yes.

Q. Give us the number of barrels for 1867 and 1868?—A. I cannot say.

Q. Give us the prices for 1867 and '8?—A. In 1868 the price was as high as \$11, and in 1867 it was \$13.38.

Q. Two dollars less?—A. Yes.

Q. What were the quantities for 1867 and '8?—A. For 1867 and '8 the values exported were respectively \$119,195 and \$161,836.

By Mr. Thomson:

Q. This was the case notwithstanding the fall in the price?—A. Yes.

By Mr. Foster:

Q. Then you must have exported a great deal more when you were poor than before?—A. No. You will remember that the reports are made to the end of the fiscal year, the 31st of December, for Prince Edward Island. The figures for the 1st of January, 1868, would be for the preceding summer—the summer of 1867.

Q. Then you have given the figures wrong?—A. No. As you will readily understand, it was in the winter season of the year of depression that our fishermen principally felt the shortcoming in the crop.

Q. What were the exports for the year after the year of depression?—A. They then amounted to \$109,625.

Q. What was the average price in 1869?—A. \$17. You will find from the statement which I have made that the American shipping fell from 203,000 tons to 84,000 tons in 1868; and you will now see the reason for the advance in price; 84,000 tons could not catch mackerel enough to supply the demand.

Q. What was the tonnage of the American vessels in 1869?—A. I do not know.

Q. With what do you compare the 84,000 tons?—A. With 1866; you had 203,000 tons then.

Q. Let us see what your figures lead to; in 1866 you were prosperous with 203,000 tons of American fishing vessels, and in 1868, two years after, when the American vessels fell in tonnage to 84,000, your yield declined in value, and the price to \$11 a barrel?—A. No; when I quoted you the figures for 1867 they were the figures for the summer preceding.

Q. What was the American tonnage for the year of depression?—A. 84,000.

Q. Now, I want you to take the last preceding year of which you have the tonnage and the product of the fisheries, and make a comparison?—A. I make the comparison by the price.

Q. When you had 203,000 tons of American shipping engaged in the fisheries, by your own showing your own fisheries were prosperous?—A. Yes.

Q. And when you had only 84,000 tons of American shipping, the your own fisheries were in a deplorable condition?—A. The price ran from \$11 to \$17.

Q. But, then, the value of your fisheries fell, did they not?—A. They fell owing to a bad season's catch.

Q. With the withdrawal of this shipping from your waters, you were very much worse off than when in active competition with 203,000 tons of American shipping?—A. No; we were better off the first year after the withdrawal of your fishermen from our waters.

Q. Will you be good enough to confine yourself to the statistics we were talking about a minute ago, and go on with the comparison, and not fly into another branch of the subject; make any comparison you choose afterward, but stick at present to this. I want you to answer this question: When there were 203,000 tons of American fishing vessels, your own, the Prince Edward Island fisheries, were prosperous?—A. In 1862, no, sir.

Q. Is it 1862 you are giving us? You called it 1867.—A. In 1854 there were a certain number of tons of fishing vessels, and in 1862 another certain number, and in 1868 another certain number. In 1862, the tonnage was 203,000, and in 1868 it was 84,000.

Q. Have you no figures for tonnage between 1862 and 1868?—A. No, I have not.

Q. And in 1862, you say that your fisheries were not prosperous, do you?—A. In 1862 the exports were worth \$19,320.

Q. Your fisheries had not begun to grow at that time?—A. In 1861 the exports amounted to \$11,525.

Q. Previous to 1861 the exports were large, were they not?—A. We started from 1857, when they were worth \$25,000; in 1858 they were worth \$38,440; in 1859, \$33,890; in 1860, \$36,760; and then they fell in value from \$36,000 to \$11,525 in 1861. In 1862 they were worth \$19,320; in 1863, \$27,045; in 1864, \$42,775; in 1865, \$181,675; in 1866, \$79,990; in 1867, \$119,195; in 1868, \$161,836; in 1869, \$109,625; in 1870, \$176,280; in 1871, \$146,925; and in 1872, \$111,512.

Q. What was the year for which you gave the figures \$119,195?—A. 1867; that would be for the summer of 1866.

Q. You have no figures for years subsequent to 1872?—A. No.

Q. For what years have you the tonnage?—A. I take it from a report made to the Congress of the United States.

Q. Whose report is that?—A. General Butler's, and Judge Poland's, and Mr. Beckett's.

Q. For what years have you the tonnage of the American fishing vessels?—A. In 1854, this was 147,000; in 1862, 203,000; and in 1868, 84,000.

Q. What did you say the exports from Prince Edward Island were for the year when the tonnage was 203,000?—A. In 1862 they amounted to \$19,320.

Q. Have you got the aggregate product for that year?—A. That includes it.

Q. You give the aggregate product of the fisheries as well as the exports, don't you?—A. These relate to the fish exports generally; there is no way of getting at the other product that I know of.

Q. Am I to understand from you that the official returns regarding the other products, which are found in your papers, are not trustworthy?—A. Touching what the people use?

Q. I mean the total product of the fisheries of Prince Edward Island.—A. There is no way to get returns in Prince Edward Island that I know of, except from the custom-house.

Q. Then a recapitulation concerning the yield of the fisheries of Prince Edward Island for particular years would not be trustworthy?—A. Only with respect to the exports.

Q. I find a recapitulation of the yield of these fisheries for 1876 in a report.—A. This may have been obtained since we went into confederation. They may now secure the actual results by sending to the different places around the coast.

Q. And you do not know but that it may be accurate?—A. It may be so.

Q. Can you give an estimate from your own knowledge regarding the quantity of mackerel eaten by the inhabitants of Prince Edward Island in a year?—A. I could not.

Q. How many of them are there?—A. 100,000.

Q. Do they eat a great deal of mackerel?—A. I do not think that they do.

Q. Do they use a good deal of pickled mackerel?—A. I think that they do not use much of it.

Q. You would suppose that much the largest proportion of it would be exported?—A. I think so; a good many mackerel are sold in the fresh state.

Q. But that would not be anything like the quantity exported?—A. No.

Q. Then there must be some mistake where I find it claimed that you eat five times as many as you export?—A. A good many fish are sent from the island in this manner; for instance, from the fisheries of the northern section of the island. It is about 35 miles from North Cape to Point Escuminac, at the entrance to the river Miramichi, where a very large number of vessels are to be found in the summer, and a great many fish are taken thither and sold among the shipping. Of course these sales do not appear among the exports.

Q. What proportion would these sales bear to the exports?—A. I do not think it would be more than 10 per cent. from that section.

Q. Do you think that more than ten per cent. of the mackerel sold does not get into the exports?—A. Yes.

Q. What per centage would you suppose?—A. Perhaps fifteen per cent.

Q. That is your estimate?—A. Yes.

Q. Then you would add fifteen per cent. to the amount of exports?—A. Yes; this would be about it as near as I could tell.

Q. Taking the last return I have here, for 1876, I find that your exports amounted to \$80,289, and fifteen per cent. of that would be \$12,000, would it not?—A. I do not know whether those figures are procured from the custom-house or whether they are made up from information received from the different fishing stations.

Q. I suppose that some respectable person is responsible for those statistics, and that his opinion is as good as the opinion which one can probably get from the average of witnesses?—A. Yes.

Q. Adding the \$12,000 that would make \$92,000 worth of mackerel sold. Do you think that they would eat \$96,000 worth more on the island?—A. I do not.

Q. You would suppose that \$92,000 would represent the value of the fish thus sold or exported. Now, could you give an estimate of the value of the fish they would eat and consume on the island?—A. I speak more particularly respecting the section of the country with which I am acquainted. I should think that there would be, taking the three counties together, about 25 per cent. eaten.

Q. Twenty-five per cent. of \$92,000?—A. Twenty-five per cent. of the exports would be consumed at home.

Q. And one-quarter of \$92,000 would be \$23,000?—A. Yes.

Q. Then \$115,000 would be your total estimate?—A. I could not say positively, but I presume it would be about that figure; I think it would be about 25 per cent. of the exports returned from the custom-house and I consider that you would then have the value of the fish exported and consumed, and 25 per cent. of \$80,000 added to it would make \$100,000.

Q. Then adding the 15 per cent. mentioned, your total estimate of the yield would be about \$112,000?—A. Yes; if what you state is correct.

Q. Has there been any time when the proportion of fish sold which did not get into the returns, and the proportion consumed and exported, would vary in your judgment from the estimates you have

now given us?—A. I do not think that there would be much variation.

Q. We will get a tolerably fair idea of what the yield is from this estimate?—A. Yes.

Q. You do not eat much more than you used to, or sell more, that does not go through the custom-house?—A. The rule applying to fish as well as to everything else is, that the more you get, the more you eat and sell.

Q. Does your experience show you, with reference to custom-house returns, that where there is a return of a particular article at a port of export and a return of some article at a port of import, the returns for the port of import are almost always more carefully made and more accurate than the other?—A. I should judge that this would be the case; and particularly so if it related to dutiable goods.

Q. And as duties are levied on most things imported, these returns are a good deal more accurate than those which are prepared merely for statistical purposes?—A. Yes; unless vessels were lost on the voyage.

Q. So you would, as a general rule, regard the statistics of the port of import as more trustworthy than those of the port of export?—A. Yes, with respect to dutiable goods.

Q. And this would not be the case in any event?—A. No, not if it concerned free goods. I do not think that the same attention is paid to them as to dutiable articles.

By Sir Alexander Galt:

Q. Do I understand you to say that your estimate of the value of the fish exported from Prince Edward Island for 1876 is \$80,000?—A. No, sir; I did not say I knew what it was.

Mr. FOSTER. I assumed that from a book which I have in my hand.

Sir ALEXANDER GALT. We have had other evidence on the point.

Mr. FOSTER. I take it from a report regarding the fisheries for the year ending the 31st of December, 1876. What puzzled me and led me to make these inquiries was the extraordinary discrepancy existing between the yield of the fisheries put down and the exports. It puts down the yield of the fisheries at 25,383 barrels, at \$8 a barrel, making a valuation of \$203,064; and then the exports are set down at \$80,289 in blue. It seemed to me very extraordinary that so much fish should have been eaten on the island, and I wanted to see what was the state of the case.

Sir ALEXANDER GALT. I would like to ask Mr. Howlan which of these two statements he considers to be most in accordance with the facts. This gives the catch of mackerel at 25,383 barrels, valued at \$8 a barrel, making \$203,064. What becomes of the yield, Mr. Howlan?—A. One portion of it becomes an item of export, and another portion an item of use among our own people; and then, as I stated with regard to the Northern Fishery, a very large number of vessels are found during the summer season about Miramichi Bay, and our fishermen go over and supply them. Again, opposite the eastern extremity of the land there is a large population, and the fishermen from about Murray Bay cross over in their boats and sell fish to these miners; and these fish necessarily do not find their way into the exports. These, taken in connection with the returns from the custom-house, would, no doubt, afford a very correct estimate of the yield.

By Mr. Weatherbe:

Q. Is the fish sold to the Americans and carried away in their ves-

sals included in the exports?—A. These sales would not appear in our returns, but in those of the United States.

By Hon. Mr. Kellogg:

Q. Explain the distinction with regard to the product of the fisheries; some fish, you say, are sold in Miramichi Bay, and some are sold to Americans on ship-board?—A. The sales in the former case are made to British lumber-ships of 600, 700, and 1,200 tons; the fishermen cross for the purpose from North Cape to the entrance to the Miramichi River. I see that for 1876 the quantity of mackerel exported from Prince Edward Island is put down at 9,347½ barrels, having an aggregate value of \$80,289, and that the yield of these fisheries is put down at 25,333 barrels. There seems to be a difference of some 16,000 barrels. The number 9,347½ barrels must certainly be incorrect, for a great many more are taken. If my memory serves me right, in 1870 some 16,000 barrels were taken.

By Mr. Foster:

Q. It is not possible that there is any disposition to make the export to the United States look pretty small?—A. No, I think that it is a misprint.

Q. The \$80,000?—A. Yes, and the 25,000. I might mention another fact. In two instances I had vessels which were bound to Boston, driven off shore, and I had to write to the comptroller of Boston detailing the circumstances and sending a certificate. The vessel did not have a clearance, and of course that item in our exports would not appear in the returns of Prince Edward Island for that year. I make this statement in order that you may know why I think that is evidently a mistake.

Q. Which way is it, do you think?—A. I think that there must be more than 25,000 barrels of mackerel caught.

Q. You think that there is a much larger export to the United States than the return shows?—A. I do.

By Hon. Mr. Kellogg:

Q. You said that there are 100,000 people living on Prince Edward Island, and that 25 per cent. of them are engaged in the prosecution of these fisheries; and afterwards you stated that 5,000 were so engaged. I did not quite understand you in this respect?—A. The number, 25,000 includes men, women, and children.

Q. The men, women, and children do not all go fishing?—A. No.

Q. And that is the reason why you say that 5,000 are so engaged?—A. Yes.

By Mr. Weatherbe:

Q. You stated that you got your figures from General Butler's report?—A. Yes.

Q. And you now have that report in your hands?—A. Yes.

No. 8.

WEDNESDAY, August 3.

The Conference met.

GEORGE HARBOUR, of Sandy Beach, in the county of Gaspé, farmer and fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre :

Question. Are you acquainted with the fisheries in your neighborhood?—Answer. Yes; with the mackerel fishery more especially than any other.

Q. How long have you been acquainted with them?—A. Since I was a very small boy. I was born there and brought up there, and when I was able to go in a boat I went.

Q. When were you born?—A. In 1836.

Q. Have the Americans been in the habit of fishing near your place?—A. They have for many years past.

Q. Well, where have they been in the habit of fishing?—A. Along the shore as far as Madeleine River, and as far as Seven Islands.

Q. Do they fish in Gaspé Bay?—A. Yes; they have been there both bobbing and seining.

Q. What is the depth of the bay?—A. 15 miles.

Q. What is the largest number of vessels you have seen fishing in your neighborhood at one time or during one summer?—A. 300 is about the average. I have seen as much as 50 at one time in our harbor.

Q. During the season you have seen as many as 300?—A. Upon the average there have been as many as 300.

Q. Outside of the bay have you seen them above and below your place?—A. I have.

Q. What kind of fish do they go for?—A. Mackerel.

Q. At what distance have you seen them from the shore outside of the bay?—A. Very handy in. I have seen them not more than 300 yards.

Q. Where is the mackerel caught generally?—A. Inshore.

Q. How far from the shore?—A. I have seen them right in by the rocks. The bait comes in and the mackerel follow the bait.

Q. Do you know what an American skipper would consider a proper load to go home with?—A. 300 barrels would be considered a good fair catch.

Q. Well, is it about that number that they catch?—A. Well, that is one time, but they generally make two trips.

Q. What do they catch in the season?—A. Upon the average they would catch 500 barrels in the season in their two trips; they would do very fairly doing that in the two trips.

Q. Can you point out the shore where you live?—A. Yes (points to Sandy Beach on the map); I live three miles below what they call Gaspe Village.

Q. What is the size of the bay at the mouth?—A. It is seven miles across; it narrows as it runs up. Opposite where I live it is only 3 miles from land to land, but as you see there is a sand spit which runs out, making it only a mile and a half from that to the northern shore.

Q. Well, they are taken within $1\frac{1}{2}$ miles of the land?—A. They are not within three-quarters of a mile of the land if they go in the middle.

Q. Well, it is in the bay?—A. It is in the bay decidedly.

Q. What is the average tonnage of the American vessels you have seen fishing?—A. 65 tons.

Q. What is the number of men?—A. 15 men per vessel.

Q. Do you know anything about the cod-fishing?—A. O, yes.

Q. Have you any cod?—A. I have caught cod myself in no very large quantity, but I have seen quantities caught; there are lots taken in our bay.

Q. Do you know any places where cod are in the habit of spawning?—A. Yes; right up in this shallow part of the bay (referring to map).

Q. What have you seen of that?—A. I have seen small cod-fish in the spring not larger than two inches and upwards; according as the season advances they get larger; in the fall they are about 5 inches, perhaps not quite so much as that. I have seen quantities right up there (i. e., near Sandy Beach, in the bay). I have seen them in large quantities up there, so that if you threw bait overboard the water would be thick with them; in fact you could not heave down bait but it would be gone in a second.

Q. Outside in the bay, have you fished for cod?—A. Not as a business, but I have been in a schooner outside, and have caught cod-fish for our use on board the schooner; that is, in a Gaspé schooner.

Q. How far outside in the bay did you catch cod?—A. We have caught them at different distances, from a mile to five or six miles from the shore.

Q. Do you find some within three miles?—A. Plenty.

Q. Have you seen American vessels fishing or seining in Gaspé Bay?—A. I have, sir; both bobbing and seining.

Q. How long did it take them to get a fare?—A. There was one man that loaded in three weeks.

Q. He went back with how many barrels?—A. 350 barrels, according to the statement of some of the men.

Q. When was that?—A. That was nine years ago, to the best of my knowledge. The second year he returned, and two of my brothers were fishing. They were catching mackerel very fast, when he surrounded them with his seine, and they had to go away. It was reported afterward that one of his schooners was made a prize of.

Q. How was your brother fishing?—A. He was in a boat bobbing for mackerel, at anchor.

Q. Then that American came along and your brother had to go away?—A. Yes.

Q. Would you show on the map about the place where your brother was fishing, and show the whole extent of the fishing grounds where you have seen other people fishing?—A. I can (Refers to map and points out fishing grounds.) It was right inside of the sandy point where they swept around with their seine and obliged my brother to go away. That is where most of the Gaspé fishermen fish for mackerel. The schooners likewise all come round there. That is the place where the mackerel come and deposit their spawn in that bay. A schooner would not be 200 yards from the rock on the north shore in St. Margaret's Bay. I have never seen them fish farther up than Mal Bay. They would strike from that off to the banks.

Q. Have you seen the Americans curing fish on their vessels?—A. I have seen them curing mackerel.

Q. What did they do with the offal?—A. That is thrown overboard.

Q. What is the effect of throwing the offal overboard?—A. The effect is, that if it is thrown overboard the codfish eat it, and they will not take the hook. Another thing is, that it makes the water impure and kills the eggs that are deposited. It will also kill the young fry. It makes the water very impure. I have passed over the water where there was a very disagreeable smell arising from this stuff rotting on the bottom.

Q. How deep was it?—A. It was fifteen fathoms in places where I perceived that smell. After you pass the deep water you come to a bank where it is only eight fathoms, and in some places fifteen fathoms.

Q. Did you see their people fishing or seining mackerel outside

three miles?—A. I have never seen them fishing for mackerel outside of three miles. Only codfish I have seen them fishing outside of that.

Q. From your experience do you think it would be worth while for the Americans to come fishing in Canadian waters if they were excluded from within three miles?—A. Not for mackerel. I do not think from my knowledge, it would be. I have been told by Americans themselves that if excluded from the inshore fisheries for mackerel it would not pay them to come for mackerel at all. I have heard that from more than one.

Q. How do you see them come to fish?—A. They come alongside of us.

Q. How does that affect you?—A. It is very injurious. In this way: In the first place they have a better fit-out than we have. In the second place they have a kind of bait which is far superior to ours. When they come among us and throw this over it will entice the mackerel to take to theirs and they do not eat ours. In the next place, they are fitted out with mills, and grind the bait fine.

Q. They have no taste for your bait when they have tasted the American?—A. O, no.

Q. Have you experienced that yourself?—A. Yes.

Q. When you are left alone, do the mackerel take your own bait?—

A. They do; they take it well. They don't know the difference then.

Q. Have you seen the Americans using the hauling seines?—A. I have.

Q. Do they use them in Gaspé Bay?—A. Yes.

Q. Did you see, also, the purse seines used?—A. Yes. In Gaspé Bay I have seen both purse seines and hauling seines. They are very injurious in this way: they take in all sorts of fish, and when they are hauled on shore the good ones are taken out, and those that are no good are left. As a natural consequence it destroys the fish that are no good when caught, but which would be good if left until later. Those bad fish are left on shore. They are hauled on the beach and left there. If the tide is rising some of them may get off and live, but if the tide is falling they all die.

Q. Is it injurious, also, to the codfish, that seining in the bay?—A. It takes these young fish and destroys them, of course. They lie there and die; they never grow.

Q. Have you ever had any conversation with the Americans in regard to this practice of seining, what its effect is?—A. I have had conversations with the Americans—

Q. What opinions have they expressed?—A. That it is injurious to the fishery, decidedly so.

Q. You have heard that from them?—A. I have heard that from Americans myself, and of my own certain knowledge I know it to be so.

Q. How is the cod fishery around you? Is it declining or increasing?—A. The cod fishery is on the increase since 1871 in Gaspé Bay.

Q. Have you any explanation for the increase?—A. I presume the reason is that a great many American vessels are drawn from the banks, which is the great nursery for our fish. (The shore fishery is fed from the banks mostly.) If they leave the banks quiet the fish will certainly increase. This proves to be the case.

Q. Has it been the case with your bay as with other places, that the two last years the fishery has not been good?—A. These two last years the cod fishery—not the mackerel fishery—has been very good. The mackerel fishery was very poor. In a manner there was none last year and the year before. This year the prospect for mackerel is better than it has been for a number of years.

Q. Have you seen any American vessels this year?—A. I have seen none yet this year.

Q. The season for mackerel fishing is not over?—A. It is just now commencing.

Q. Do you expect they will come?—A. I do expect they will come.

Q. Do you know that they come to your place after having tried Prince Edward Island?—A. O, yes.

A. So they generally go later?—A. In August, and from that to September, is the best time in Gaspe.

Q. Is there any difference between our mackerel and the mackerel taken in American waters?—A. I have never been there and can give no personal opinion. I have heard from American men that ours are far superior and bring a better price. The reason is that the bait is very plenty. When they come inshore with such abundance they very soon get fat, and then when they are taken they are in a beautiful condition. It makes them superior fish to their own.

Q. Have you any idea if the mackerel which you find around your place has been bred there or has it come from Prince Edward Island?—A. I think it can be proved positively that they breed in the bay. In the first place the mackerel taken about the 1st, 2d, 3d, and 4th of July, have a very small roe. We keep on catching up to the 15th or 20th July, when all at once the catching ceases.

Q. How do you explain this cessation?—A. They go to the bottom. In some cases we catch them in the very bottom; they are then spawning; after that the roes are all out.

Q. In what condition are they after spawning, fat?—A. They are very poor.

Q. How long does it take them to recover?—A. To the best of my knowledge, a fortnight after the mackerel spawn they are in very good condition. Afterward they still keep on increasing and become better still until October. I have never caught them myself later than the 4th of October.

Q. Is there any herring in your waters?—A. In the spring there is plenty as a general thing.

Q. Which is the fish that first makes its appearance, the herring or the mackerel?—A. The herring is first.

Q. In what month do they come?—A. In May. The 10th of May is about the time for the herring to come into our bay.

Q. The Americans don't come for herring?—A. No, not at all.

Q. Have you any idea of the food of the mackerel?—A. In our bay of Gaspé the mackerel feed on three different kinds of food; they have the shrimp, which is a very little fish, about three-quarters of an inch long; then there is the lante; and they also have a kind of food which I do not know the name, but I have heard it called brit. It is almost like seed; it looks very much like turnip-seed.

Q. Is it a fish?—A. I could not give an opinion, but to the best of my knowledge it is a fish, or the mackerel would not eat it. It just looks like small seed.

Q. Did you ever see that brit in the water?—A. I could not say. I have seen the water discolored; very likely it was caused by this. I could not say positively whether it was that or not.

Q. What color is the shrimp?—A. It is of a reddish cast, a little less than about three-quarters of an inch long. It frequents the waters in great abundance.

Q. Is it enough to make the water look red?—A. I dare say it would. As a general thing it is inshore. The shrimp is either inshore or to the

bottom in deep water. I have never seen it to the surface in deep water, but I know it is to the bottom because I have caught codfish off the bottom with it in, and I have caught whales with barrels of it in them.

Q. Have you seen the Americans landing to dry their nets?—A. I have seen them drying seines; I have seen them landing to dry their seines as well as to repair them.

Q. Is that an advantage for them to be able to land in that way?—A. Decidedly it is. Of course it is an advantage. It is no easy matter to mend a very large seine on board if it is torn, as is often the case. It is not easy to spread it on board to dry and mend it; but it is easy enough to do so on the beach.

Q. What is the length of those seines?—A. They vary from 80 fathoms to 250 fathoms.

Q. Are you talking now of all kinds of those seines which are dried on land?—A. No; I am only speaking of the mackerel seines. That is the only kind I have ever seen dried. That is the only kind I have ever seen used up in our bay. On the coast of Labrador I have seen plenty of codfish seines, but that does not concern this.

Q. You have stated that the American vessels often make two fares; could they make those two fares without transshipping? Would they have time to go back and unload and then come back? Do you think it is by transshipping that they are enabled to have two fares?—A. Transshipping their cargoes certainly gives them a great advantage, and I scarcely think they could make two fares if they had not that privilege. They might in certain cases, but as a general thing they could not make two fares. It would take too much time, and before they returned the mackerel season would be over.

Q. As to keeping the fish fresh, could they do so without being supplied with snow?—A. Not for any length of time, so far as my judgment goes.

Q. Do you think they could have time to go home with that fish and keep it fresh without something to preserve it, such as snow?—A. As to that I could not give an opinion decidedly. I have heard them say they have taken a cargo home in their own ice; but I know they have come up into Gaspé Bay to buy snow. They have come to my brother-in-law.

Q. Is it snow or ice they use?—A. I have never seen it myself. In Gaspé we use all snow.

Q. Is it preferable?—A. It is. I will explain. If you take a lump of ice and break it ever so small, when you come to pack up the fish in it the broken pieces of ice will bruise the fish and injure it. The snow is perfectly safe, for when it is beaten down it does not hurt them at all.

Q. Are there many people around your place who preserve snow?—A. There are a great many people that have it for their own use, for in the Bay of Gaspé they sell all their salmon fresh. They keep them in their snow-houses until they have enough to take up to the village. There they are sold to a firm by the name of A. Fraser & Co. From that they are sent all over Canada.

Q. Do you know about the classification of mackerel as Nos. 1, 2, and 3?—A. I know something about it.

Q. What is the proportion of No. 1 in the mackerel caught in Gaspé Bay and around it?—A. They are about half No. 1, to the best of my knowledge, in Gaspé Bay. We very seldom have No. 3, except in the very early part of the season.

Q. Have you any idea of the profits realized out of a season of mackerel fishing by a vessel of the capacity of 75 to 70 tons?—A. I think I

have. As I stated, their fare would be about 500 barrels, provided they make two trips. Those would sell in the States I presume, from what I have been told, at \$12 a barrel, taking the good and the bad. I think those figures will give a pretty good idea.

Q. How many barrels do you think it requires to pay the expenses of the season's fishing?—A. One hundred.

Q. Above 100 it is all profit?—A. It would be profit to the crew and owners. As I understand, they are all sharesmen.

Q. That would make 400 barrels, at \$12, to divide between the owner and the crew?—A. Yes.

Q. The crew you have stated is between 12 and 15?—A. About 15, and from their own statements they are all sharesmen, with the exception of the cook. He is always paid, I believe.

Q. The Americans do not get bait near your place?—A. No; they bring it with them. There is one thing I wish to state. I have been told by themselves that if they were allowed to frequent our waters for the space of ten years our fish would be extinct.

Q. Through excessive seining?—A. Seining and bobbing as well, and, as I told you, from this offal being thrown overboard.

Q. Did you hear them say anything about the effect of their methods of fishing in their own waters?—A. They did tell me that it ruined their banks, so much so, that you could not get fish enough on them for a breakfast.

Q. Did you state that around your place and the places you have mentioned and pointed to on the map, the mackerel was taken exclusively within three miles of the coast?—A. All that ever I have seen were taken within three miles.

Q. You have not seen mackerel taken outside?—A. I have not seen the mackerel taken beyond three miles of the coast.

By Mr. Foster:

Q. Which was it, the cod or the mackerel, that got so bad that they could not catch fish enough for breakfast?—A. The Americans told me their codfish on their own banks had been ruined.

Q. It was nine years ago that an American vessel got its fare in three weeks?—A. To the best of knowledge, it was.

Q. Do you remember the name of the schooner?—A. I remember the name of the man; it was Captain Marshall.

Q. You remember that the schooner was seized next year. Do you happen to know how much fare he got in three weeks?—A. I was told that he got 350 barrels. I merely tell you I was told by other parties.

Q. That was such an unusual amount that some people informed, and next year he was captured; is that so?—A. The next year, when he surrounded my brother's boat, there happened to be a man from the southwest, and he went right up the basin and told the cutter that that they had been surrounded by the American vessel with a seine.

Q. What sort of a seine was it?—A. I could not tell you.

Q. Was it a hauling or a purse seine?—A. I almost think it was purse seine. I was not there; I was told by my brother.

Q. Do you think purse seines were used at all nine years ago?—A. I am quite positive they were.

Q. Now hauling seines are used from the shore, are they not?—A. Yes.

Q. Which have you noticed to be used most in your bay?—A. The hauling seines.

Q. Then the chief part is done by men going on shore?—A. Yes.

- Q. They cannot haul these seines without going on shore?—A. No.
- Q. Well, do you understand that they have not a right to go on shore?—A. The time of the treaty, I think, they did.
- Q. So this is one of the privileges you suppose they are to pay for. When they use purse seines they go into deep water?—A. Sometimes.
- Q. How deep must the water be?—A. The water inside of our cove is eight fathoms.
- Q. Close up to the shore?—A. It is five fathoms deep at a distance from the shore not farther than to your seat.
- Q. You gave the width of the bay where you live. At the mouth, between Cape Gaspé and Point Saint Peters, what is it?—A. Seven miles, to the best of my knowledge.
- Q. Now, the mackerel fishing in Gaspé Bay amounted to almost nothing last year. Did you notice any American vessels there then?—A. I did not.
- Q. 1875 was a bad year?—A. Pretty bad.
- Q. Did you notice any Americans there in 1875?—A. I think I was away.
- Q. Where do you think you were?—A. On the north shore. I spent four months on the north shore.
- Q. Whereabouts?—A. At Mingan.
- Q. You did not hear of American vessels being there that summer?—A. There was no mackerel.
- Q. Go back to 1874.—A. Beyond that time there were Americans. There were a few in 1874.
- Q. How many?—A. I could not give you the number.
- Q. Nothing like the number you used to have when the fishing was in very good condition?—A. No.
- Q. Your Gaspé fisheries began to fail far back?—A. Yes; they did begin to fail.
- Q. And they have been growing poorer and poorer ever since?—A. Until this summer.
- Q. Well, you have not got through with this summer yet, and you do not know what is going to happen. Have you found any vessels in your bay this summer?—A. No; I came away.
- Q. Do you think that in 1873, 1874, 1875, or 1876 the Americans caught many mackerel in Gaspé Bay?—A. They did not catch a great quantity.
- Q. Precious few?—A. Not a great many. They had destroyed them here, and as a natural consequence they could not get many.
- Q. Then you think your bay fishing is destroyed?—A. I think it will be replenished.
- Q. What? With all these Americans with purse seines, offal, &c.?—A. No; not if they are allowed.
- Q. They will come, though, under the treaty, if there are any fish here, unless they get more on their own shores?—A. No doubt of that.
- Q. But for the last four years there has been no temptation to them come?—A. No; there has been no encouragement.
- Q. You spoke of their drying their seines on shore. Those are mackerel seines?—A. Yes.
- Q. They are used from the shore?—A. Yes.
- Q. Who, about this matter of snow and ice; are there establishments in your vicinity where they keep it for sale?—A. They don't keep it for sale, but for their own use.
- Q. Where do the Americans get snow?—A. Not in the Bay of Gaspé.

I have seen one come in to buy snow, and he offered a good price, but could not get it.

Q. Of course they do not find it lying around in summer, and as your people will not sell it to them, they don't get it there?—A. I would not say they don't sell it, but on this particular occasion I refer to they did not get it.

Q. There is no snow in Gaspé Bay for sale?—A. It might be made a beautiful depot for snow and ice.

Q. And if it looked like a profitable business, have you people of enterprise that would go into it?—A. Certainly, it is a very easy matter.

Q. Then whether you will have snow and ice for sale or not depends upon whether the prospects are sufficient to induce men of enterprise to go into the business?—A. Certainly.

Q. If you should build houses and store snow and ice, and sell it to Americans at a profit, it would be a benefit to you?—A. It would be a benefit just then, but it would be an injury in a general way, because they take the mackerel that belongs to us and sell them.

Q. That is the catching of fish would be an injury?—A. Yes.

Q. Have you ever noticed that your fishermen caught less fish on account of having the Americans there?—A. Of mackerel they have.

Q. Have they caught more since the Americans ceased?—A. No.

Q. Does it not come very much to this, that when the mackerel are there, they are nearly as abundant as the sand on the seashore, and when they are not there nobody can get them?—A. Not exactly. The mackerel are pretty abundant, but the Americans are in abundance, too.

Q. But in years when the mackerel have been there and the Americans too, for they seem to come together, have not your own people got a good catch?—A. Pretty fair; but I am positive they would have got much more if the Americans had not been there.

Q. What fleet have you; is it boats or vessels?—A. All boats.

Q. How many?—A. Those are hard questions to answer. The people are mostly fishermen and farmers as well. If the mackerel come in plenty, they nearly all fit out and come out at a certain time for mackerel.

Q. What is the greatest number you have ever known boat fishing?—A. I have known as many as 100 boats.

Q. That is all around the Bay of Gaspé?—A. It is only about ten miles from the land spit where they catch. It is close in.

Q. What part of Gaspé Bay is it that they catch mackerel in?—(Pointing to the land spit in Gaspé Bay.) It is around that the seals are hauled, and there is where we catch.

Q. Are there mackerel to be found in the lower part of the bay good years?—A. Yes.

Q. Now about transshipping, explain that?—A. Well, the American vessel has say 250 barrels, or whatever the number may be. She runs to Charlottetown, Pictou, or anywhere she likes, and there transships or stores it.

Q. Well, if it is transshipped to the States, does it go in sailing vessels or steamers?—A. That I cannot answer. I was never there, know. I have been informed that they transship it or store it.

Q. You seem to know about the habits of the mackerel. How long does it take a mackerel to grow up to maturity?—A. I think you cannot get at that.

Q. You think nobody knows that? I did not know but what you

whether it would be large enough to catch in the second summer?—A. No; I presume they are not.

By Mr. Doutre :

Q. Is it to your knowledge that when you had no mackerel in Gaspé there were some in Prince Edward Island and other places where the Americans are fishing?—A. I have heard so.

Q. You have not seen it?—A. No, but I have heard it from good sources.

Q. It might have been a failure in Gaspé, but not a failure in other places?—A. Just so; it was not a failure in other places. That I know to be the case. There are times when the mackerel pass by Gaspé and go right up the river.

Q. In regard to your mode of fishing in boats, do you consider it is more profitable for your people to fish in that manner than to fit up costly vessels?—A. It is more profitable provided the bay is left alone. But when the Americans frequent the bay they take the mackerel out. It would be much more profitable if the bay was left quiet, and there were no vessels to entice the mackerel away.

Q. If left alone you could carry on both agriculture and fishing successfully.—A. Yes. They are combined. They have only to go a mile and a half. In the morning they go out and take a fare of fish, and then go to work on their farms until four, when the sun begins to go down. Then they go out again. They land in the morning at 8, 9, or 10 o'clock and never go out until 4 o'clock so that they have plenty of time on shore.

Q. As it is, when the Americans go to your place you are reduced to farming almost exclusively?—A. Well, the mackerel fishing there does not pay much.

By Mr. Foster :

Q. You hav'n't had any mackerel to catch since the Americans stopped going there?—A. Well, how could we have when you caught them all?

Q. Well, that is what I want to see. You have known of Americans being there and taking quantities of mackerel. What was the last year when that occurred? Give the date. Is it as much as five years since?—A. Yes, there has never been any great catch since that.

Q. Take the year 1872. How many American vessels were there then?—A. That was one of the greatest years for the Americans. There was at least 300 sail. They would come and go. If they found the mackerel there satisfactory they would fish. If not they would run up the shore or down the shore.

Q. Now do you pretend to say that that year, when you saw 300 sail of American vessels, your fishermen were prevented from fishing?—A. I do not pretend to say they were prevented; on the contrary, they could fish, provided they kept out of the American schooners' way.

Q. A good many of your people had boats and used them?—A. Yes.

Q. How many fish would they catch in the boats?—A. I know of one boat that got through the season 200 barrels.

Q. How many men were there in her?—A. There would be two men all the time, two of my brothers. Then they had some small boys with them. A little fellow can haul a mackerel in. Sometimes there would be four boys, which would make a crew of six in all. Sometimes, in stormy weather, the smaller boys would not go.

Q. That would be an extraordinary catch?—A. Yes, it would.

Q. What would be an ordinary catch?—A. Fifty barrels would be an average.

Q. How many weeks does the mackerel season last there?—A. We commence catching after August. Sometimes in July, from the first to the middle, and from that on as late as the 4th October, which is the latest I ever caught. As a general thing the 20th September ends the season.

Q. The average is 50 barrels?—A. Yes, for four men.

No. 9.

WILLIAM A. SINNETT, of Griffin's Cove, county of Gaspé, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre :

Question. Where do you live?—Answer. About 15 miles above Gaspé in a place called Griffin's Cove.

Q. What is your age?—A. Forty-five years.

Q. Have you always lived there?—A. I have always lived there.

Q. Are you acquainted with the mackerel fishery around your place?—A. Yes, I am.

Q. What occasion have you had to become acquainted with it?—A. I have fished myself and I have seen others fishing.

Q. What is the best place to fish around your place?—A. You mean outside or inside?

Q. Either outside or inside.—A. Inside is the best place with us.

Q. You know that fishery better than the fishery in Gaspé Bay?—A. Yes, I never fished in Gaspé Bay.

Q. Is it near your residence that you have been in the habit of fishing?—A. Yes, right where I live. We fish right there.

Q. Have you ever seen American vessels fishing there?—A. I did, sir.

Q. When was the last time?—A. The last time, it was about nine years ago, I suppose. I do not see many of them lately; but before that they generally came every year, lots of them.

Q. During the fishing season how many American sails have you seen?—A. I never took the trouble to count all of them exactly, but in conversation with American captains they have told me that there were 300 sometimes, and sometimes as high as 500. I did not see all of the number at one time.

Q. What quantity have you seen yourself?—A. I have seen about odd sail at one time near Madeleine River.

Q. How far have you seen the American skippers fish?—A. I have seen them two miles from the shore, and inside of a mile.

Q. That is in the mackerel fishery?—A. Yes; mackerel fishing mean.

Q. Where do you generally see them fishing for mackerel? Not farther than a mile from the shore?—A. I never saw them further than that. They generally fish in by the shore.

Q. Have you ever seen them fishing outside of three miles?—A. No.

Q. Do you know they were in the habit of going on the north side? Do you know anything about that?—A. I have been there; not with them, but I have found myself there. I did not see them fishing, but seining lante and caplin.

Q. Have you ever had occasion to go on board these vessels?—A. Yes; I have been fishing with them a little while.

Q. How long?—A. I have been three weeks in them. That is a

Q. Were you engaged as a fisherman?—A. I was engaged as a pilot and fishing at the same time.

Q. When was that?—A. Twenty-five or twenty-six years ago.

Q. Where was that vessel from?—A. Gloucester, I think.

Q. Were you with them when they finished their fare?—A. No.

Q. How many barrels had they when you left?—A. They had 200 barrels. They had not taken that much while I was with them. They only got 50 barrels while I was with them.

Q. Where did they take them?—A. Along the shore.

Q. How far out?—A. From half a mile to a mile.

Q. Is it to your knowledge that they have fished mackerel at Fox River?—A. Yes; I was with them when they got them at Fox River, and also at Grand Vallee.

Q. Is that above Madeleine River?—A. It is about nine miles from Madeleine River.

Q. What is the tonnage of the American vessels you have seen fishing?—A. I think they averaged about 65 or 70 tons.

Q. How many men have they?—A. The one I was aboard of had 15. They have generally 12 or 15, so far as I could understand.

Q. From what you have seen and heard, what is the ordinary catch of a vessel when it unloads or transships?—A. I have never been on board when they transshipped, but they have told me it was about 500 barrels a year. They told me that themselves.

Q. That is during the season, whether one trip or several?—A. Yes; some catch less and some more.

Q. Have you known of any very big catches, above 1,000 barrels?—A. Yes; I was not with them, but the captain told me he had caught as high as 1,300 barrels. He told me she could carry 1,400. She was a vessel with two topmasts.

Q. You do not know where those were taken?—A. No.

Q. Did you ever speak with American fishermen to know at what distance from shore they were in the habit of taking mackerel?—A. Yes; and I have seen them do it myself.

Q. Speaking of a vessel that would take 500 barrels, how many would require to cover expenses?—A. I could not say exactly.

Q. Have you seen the Americans fish?—A. Yes.

Q. What is the effect of their method?—A. It is very bad; it destroys great many kinds of fish that are thrown out. They haul every kind of fish to the shore. I only saw them once, but a good many folks have seen them.

Q. Have you seen what was thrown out?—A. Yes; all kinds of fish.

Q. Is there a large quantity?—A. Yes; a good quantity enough. I suppose a barrel or so of all kinds of little fish.

Q. These fish would have been good next year?—A. Yes; or the year after.

Q. Do you know how they cure their fish on board?—A. Yes.

Q. What do they do with the offal?—A. They heave it overboard.

Q. What is the effect of that?—A. I think the effect is to damage the fish. I think it gluts the fish and the fish will not bite, so far as I understand. It also raises a kind of slime or dirt which poisons the water and damages the fish, so far as I could understand.

Q. Do you think it would pay an American to come from Boston or Gloucester to fish for mackerel in our waters if prevented from fishing within three miles of the shore?—A. I do not think they would come, or I do not think it would pay them at all.

Q. Did you talk with the Americans about that?—A. I have spoken

to some of them. They told me that to fish outside they would not come, for it would not pay. The tide is too strong about our way. They come inshore to catch, where there is no tide or very little tide.

Q. Well, is it any advantage to the Canadians to fish alongside these American vessels?—A. No; it is no advantage. They have no chance.

Q. What prevents them?—A. We are not as well fitted out for mackerel-fishing, in the first place. In the next place, we have got used to using the hanging nets. While all the Americans are lying in the stream we are obliged to haul our nets ashore; otherwise we would get our nets hooked in their chains and break them. We are obliged to go ashore.

Q. Did you say anything about the bait they used?—A. I have seen their bait. I do not know where they get it. In the Gut of Canso, I believe, or somewhere.

Q. When they throw that bait, can you fish with advantage with your own bait?—A. We could if they were not there, but when they are there we cannot catch with ours, for theirs is better.

Q. You are obliged to haul your seines ashore when they come, as they would spoil your seines?—A. Yes.

Q. Explain?—A. Sometimes they fished at anchor, and, if any fisherman attempted to come close by, they would order him off, and, if he did not go at once, they would stone him and send him away.

Q. If he would not go away, he ran the risk of being forced to move?—A. Yes, of a certainty.

Q. Do you know whether our mackerel are of the same quality as the American mackerel, or whether the former are better than the latter?—A. I know what they themselves say about it.

Q. What do they say?—A. That the mackerel about our shore are better than theirs. Ours are later than theirs, and a great deal larger and fatter.

Q. This is just because they are taken later?—A. Yes; I think that they take the mackerel as they come along up the shore, following them into our bay.

Q. Do you know how mackerel are classified into numbers one, two, and three?—A. Yes; but I do not know the difference as to prices.

Q. What proportion of mackerel No. 1 is generally taken in our waters in your neighborhood?—A. I think they are fourteen inches long.

Q. Do you take more of the first than of the second quality?—A. It is according to the season. Late in the season a good many more number ones than number twos are caught. When the fish arrive in our vicinity, they are generally small in size; but later they are bigger and better. I suppose about one-half of the catch is number one.

Q. What do the mackerel feed on?—A. Up our way, their food consists of shrimps and small lantz. There are a great many of them along our shore, and the mackerel are there every year.

Q. Have you large quantities of shrimps along your shore?—A. O, yes.

Q. Are codfish found in your neighborhood?—A. Yes; they are what we mostly catch.

Q. During the last two years very few mackerel were found along your coast—has this not been the case?—A. Yes; we hardly caught any.

Q. Did codfish visit your coast during this period?—A. Yes. We had, however, more cod this year than last year.

Q. How far from the coast do you fish for cod?—A. At one r-12

half or two miles from the coast, but no farther than that up our way. No banks are situated in our vicinity.

Q. There are many on your side of the coast?—A. No.

Q. What quantity of cod can be taken by men like you and your neighbors near their own homes?—A. All cannot catch fish alike; some boats secure from 150 to 250 draughts. One season's fishing extends from the first or the middle of May to the middle of August, and another from the middle of August to Toussaint.

Q. How many can a man catch during the whole summer?—A. Some get 300 draughts. A draught is 224 pounds.

Q. That is two quintals?—A. Yes.

Q. And you say that a farmer like yourself may take during the summer 300 draughts?—A. Yes; during the season—the summer and fall.

Q. What is the value of this codfish?—A. Last year it was worth \$2.50 a draught, but this year its value is about \$2 a draught in our quarter.

Q. Because more are caught this year?—A. Yes; and there is less appearance of a market for them.

Q. Have you seen Americans drying their nets on shore?—A. No. Stay; I think I saw them doing so once on the Bay of Gaspé.

Q. Is it easier to dry seines on land than on water?—A. Certainly; a seine will dry better on a sandy beach than on deck.

Q. Do the American vessels generally make two trips a year?—A. They have told me so.

Q. Have they time to go to Boston and return for a second fare, or do they transship the first cargo?—A. I could not exactly say, but I think they have told me of their transshipping a cargo somewhere in the Gut of Canso. This gives them time to come back and get another load.

Q. It is an advantage to be able to do so, is it not?—A. Yes; certainly it is.

Q. What kind of bait is used in fishing for halibut?—A. Herring and mackerel; anything like that.

Q. Have you seen American vessels fishing for halibut?—A. I saw them only once setting their trawls, but I did not see them haul the trawls up.

Q. You do not know where they get their bait?—A. No; I could not say.

Q. Have you ever heard of any Canadians going to fish in American waters?—A. No.

Q. Do you thin that this would be a profitable venture for them?—A. No; since Americans came here themselves to fish, it would not pay Canadians to go there; it should not.

Q. You have never heard of any Canadians going there, even when there was not good fishing here?—A. O, no; it is not in our way at all to go there.

By Mr. Dava:

Q. You say that the Americans sometimes injure your seines?—A. Yes.

Q. How are your seines set?—A. I will show you: Say a lot of American vessels heave to about half a mile off our shore, when the tide is running in, our fishermen will go ahead of the vessels and come in with the tide; then the vessels will be right in our way, and we will be obliged to haul our nets up.

Q. You go above them in order that the tide may take your boats down?—A. Yes.

Q. Are the Americans then at anchor?—A. Yes.

Q. Swinging to the tide?—A. They are at anchor; they fish there day and night; they swing with the tide.

Q. How far ahead of the American vessels would you go with your boats?—A. Some will go a mile, others a couple of miles or half a mile; and while coming in they will drift with the tide.

Q. How do you use your nets?—A. We tie them to one end of the boat, then the first thing that will happen, will be our being brought up by the American vessels.

Q. The nets are not made fast on shore?—A. O, no.

Q. How many boats would there be to one net?—A. One boat generally takes two nets.

Q. How large are the nets?—A. From 20 to 25 fathoms in length, and from $4\frac{1}{2}$ to 5 fathoms in depth.

Q. I do not understand how you can use with one boat a net as large as you describe.—A. That is easy enough. We place the nets in the evening and in the morning we bring them ashore. Then we fish for cod when we can catch enough bait; then the next evening when the tide begins to run in we go out again.

Q. How can one boat manage two nets?—A. That is easy enough. One boat can manage five or six nets.

Q. How do you fasten them?—A. One after the other.

Q. They are not made fast to the shore?—A. No.

Q. And the nets drift with the tide?—A. Yes.

Q. And they are fastened to the boat?—A. Yes.

By Hon. Mr. Kellogg:

Q. How are they spread?—A. In the water.

By Mr. Dana:

Q. Are they furnished with corks?—A. Some are made with corks and others with wooden floats.

Q. How do you keep them from coming together?—A. The tide stretches them out.

Q. And your objection is that at last you drift on the American vessels?—A. Yes.

Q. Do you catch many fish in your nets?—A. Yes; but not every time. Sometimes we do.

Q. What do you catch?—A. We catch mackerel with lines and nets, and we fish every day, when possible, and when we can secure bait.

Q. Do not the large nets catch mackerel?—A. No. The mesh is too small. Our herring-nets have only a $2\frac{1}{8}$ -inch mesh.

Q. Do you catch any other fish in the nets?—A. Whatever gets into them we catch.

Q. Does the whole fish get into the net?—A. Yes.

Q. How do you fasten them in when there?—A. The mesh is small and when the fish get into the meshes they stop there until we haul them up.

Q. You say that a boat can manage two or three nets?—A. Yes; but they generally use two.

Q. How many fish are caught in the nets?—A. It depends upon the size; some take from 300 to 400 herrings; others take less, and as many as 1,000 herring.

Q. Don't you catch anything else than herring?—A. No.

Q. Don't you use seines for mackerel?—A. We do not.

Q. What is the difficulty?—A. We do not fish for them. There

no more mackerel, save very few, now on our shore. Then that is not at all our trade.

Q. I suppose that if there were mackerel enough you would use the seine!—A. Perhaps we might. I could not say. We are not accustomed to that fishing at all. It is not our trade.

Q. You say that one reason in connection with this competition between your fishing vessels and the Americans is that the Americans are generally better fitted out?—A. Yes.

Q. And they have better bait?—A. Yes.

Q. Why don't you beat the Americans in this respect?—A. We are not in as good a place as they are to get bait, I suppose.

Q. They bring their bait from home?—A. Some do. Some of them have told me that they have gone ashore and bought it in the Gut of Canso.

Q. Menhaden and pogies?—A. Something like that, and clams.

Q. It is now ten or twelve years since a great many American fishing vessels were in your neighborhood?—A. It is a good many years since this was the case.

Q. When did their number begin to grow less?—A. I think it was about nine or ten years ago.

Q. And they have kept diminishing in number up to this time?—A. Their number has been getting smaller.

Q. And lately hardly any have visited your coast?—A. Last year there were hardly any. They come no more because there is no more mackerel to catch.

Q. What do you do with your boats in these times?—A. We catch cod.

Q. And not mackerel?—A. No; we fit out to catch cod; sometimes, however, we catch mackerel.

Q. And you don't undertake the mackerel business?—A. It does not pay us to catch mackerel.

Q. You take small and young cod?—A. We take them as they come.

Q. Do you get none but small ones?—A. We take some big ones; but not in any great quantity.

Q. Your boats are not intended, I suppose, to go very far from shore?—A. They are open boats.

Q. Your custom is to come in every night?—A. Yes.

Q. You are out a few hours, and then you come in and do farm work?

—A. In the spring we do our work on the farm, and then we turn to and fish.

Q. Your most profitable way of doing business along the coast is to farm and fish?—A. Yes.

Q. When the Americans were there and fished within a mile of the shore they did not have seines, did they?—A. They did not seine on our shore. It is rough and rocky. It would not do to use seines there.

Q. Unless they do as you do?—A. We use nets.

Q. The mackerel begin to grow larger and fatter during the latter part of the summer—say in September?—A. This is the case about August.

Q. And they are better still in October?—A. Yes.

Q. And don't you know that it is the custom of American vessels to blow the mackerel down to the American coast, and catch them in November?—A. I do not know, I am sure.

Q. Then you don't undertake to say that, taking the whole season around, on their own coast and here, the Americans do not catch a great number of the largest, best, and fattest fish?—A. They themselves told me that they would rather have the mackerel about our way than what

they catch at home, a good deal, because ours are better than theirs. I understand that they make about two trips a season to the bay. They themselves told me so.

Q. You say that you don't know anything about the November mackerel fishing?—A. No.

Q. Do you complain a little about the Americans throwing offal overboard from their vessels?—A. Yes; I have only got an idea of that.

Q. You don't complain of it yourself?—A. Not altogether.

Q. That is what you have been told by others?—A. Yes; and I have seen a little of it myself. I would not swear to it exactly.

Q. You have heard a good deal said about it lately?—A. Yes; and I have myself seen something of it.

Q. Besides what you have seen, and that is not much?—A. I have seen a good deal of it.

Q. You said you had seen but a few cases of it?—A. I have been fishing alongside of them when they have thrown it overboard. Previously we would be catching a good many fish, but immediately after the offal was thrown overboard we would not catch any more. The cod amuse themselves by picking up what is thrown overboard.

Q. You are speaking of cod?—A. Yes; I have done so all the time.

Q. You do not speak with reference to what they did regarding mackerel?—A. I could not tell you about that. I allude to cod-fishing.

Q. What motives have the Americans to spoil their own fishing-grounds, if the throwing overboard of offal drives away the fish?—A. They have to dress the mackerel; they cannot go on shore to do it; and then they heave the offal overboard. They do not stay long in one place, but they go to other places when that is done.

Q. The Americans, while catching a good many cod, would not be likely to throw offal overboard and drive the cod away?—A. They do so in our neighborhood; and when they heave the offal overboard we catch no more fish at that place.

Q. Do the Americans then catch any more?—A. I have not seen the Americans catching cod.

Q. Are they able to catch fish afterwards, the same as if this had not been done?—A. No; I do not think so.

Q. Why should they do it?—A. They are obliged to do it.

Q. In catching cod this is not the case?—A. I have not seen them catching cod.

Q. The cod-fishers are not at once obliged to throw the offal overboard?—A. They are obliged to do so sometimes.

Q. They may keep offal on board for 24 or 48 hours?—A. I have not seen the Americans catching cod.

Q. Never?—A. No.

Q. Did you say that they throw offal overboard in these places?—A. Yes.

Q. Cod offal?—A. No, mackerel offal.

Q. Then this is all you have seen them throw overboard?—A. Yes.

Q. It is not cod offal?—A. No.

Q. This goes back a long time ago?—A. O, yes.

Q. Have you seen any thrown overboard during the last ten years?—A. No.

By Mr. Doutre:

Q. You say that you have not seen this done for the last ten years?—A. No.

Q. Have they discontinued the practice?—A. I do not suppose they have.

Q. Did you see them discontinue it?—A. No.

Q. You have only had no occasion to see them doing so?—A. I have not seen them throwing it overboard lately.

Q. Have you heard that they were doing it lately?—A. I have not.

Q. When you have spoken of the fishing-grounds as being either abundant or as having no fish on them, you have always alluded to those in your own locality?—A. Yes.

Q. You did not refer in this regard to Prince Edward Island or the Bay of Chaleurs fishing-grounds, but merely to those in your own neighborhood?—A. That is all, sir.

No. 10.

GREGOIRE GRENIER, 49 years of age, fish trader, residing at Newport, in the county of Gaspé, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre:

Question. Is Newport on the coast?—Answer. Yes.

Q. How long have you lived there?—A. I was born there.

Q. Are you acquainted with the character of the fishing in your neighborhood?—A. Yes.

Q. Mention the places with which you are acquainted.—A. I am acquainted of course with our own fishing-grounds. I have seen American vessels come and fish there; I am acquainted with the cod-fishery.

Q. When is the cod taken?—A. We take them from the 1st of June to the 25th of May, and to the last of the season in the fall.

Q. Where do you go for cod?—A. We catch them at from about half a mile to a mile and a half from the coast, and sometimes twenty-one miles off.

Q. That is towards the other side of the bay?—A. Yes.

Q. When you get as far as 21 miles from your residence, how far are you from the shore?—A. This is on Miscou Bank; and then we are sometimes about ten miles from the first shore.

Q. Where have you been in the habit of taking the largest quantities of cod?—A. We used to catch a good many in the spring on our shore, and on the Bank too sometimes, but not often.

Q. How far from your shore?—A. From half a mile to a mile and a half.

Q. Have you made a business of it?—A. I have myself fished for fifteen years.

Q. Were you doing that exclusively, or had you other occupations?—A. I used to fish all the time.

Q. From morning until night?—A. Yes.

Q. For cod?—A. Yes.

Q. In what kind of boats?—A. In open boats.

Q. What quantity used you to catch during the season?—A. From 80 to 120 quintals of dry fish.

Q. What proportion of this quantity did you take on your own shore, and what proportion on Miscou Bank?—A. We took two-thirds on our own shore.

Q. And one-third on the Bank?—A. Yes.

Q. When you speak of your own shore, you mean along the shore?—

A. Yes; from a mile to a mile and a half from it.

Q. Not over two miles from it?—A. No.

Q. You have not fished for mackerel?—A. Yes; but only for bait. I may say I have seen others fish for them.

Q. Have you seen the Americans fishing?—A. Yes; just inside on the point. I may say, at a distance of twenty-five yards from the point.

Q. Fishing for mackerel?—A. Yes. They were so close that they had to haul their anchors and be off. They were too close.

Q. How many have you seen fishing there during the fishing season, from spring to fall?—A. Our place is not exactly the best place for fishing there is; but I have seen more than 100 there, and more than 20 at a time coming to anchor in front of our place.

Q. And during the fishing season you have seen about 100 there?—A. I have seen over 100.

Q. What is the tonnage of those you have seen?—A. I would judge that they were from 60 to 60-odd tons.

Q. How many men were on board?—A. From 12 to 15. They have often told me that this was the number.

Q. For a few years past—perhaps for more than two years—the mackerel have been scarce?—A. There were not many of them about three years ago.

Q. When did you last see the Americans fishing for mackerel?—A. This was about seven years ago.

Q. You have not seen them fishing since?—A. We see some of them.

Q. But not in the same number as previously?—A. No.

Q. On what extent of shore have you seen the one hundred vessels and over, of which you have spoken?—A. The most of them were a good deal inside the three-mile limit.

Q. But I mean along the shore?—A. I have seen some near the island, some at Paspebiac, and some as far away as Pabos; but not often. This was only when I used to pass there. I only speak of what I saw on the shore. I saw many along the shore.

Q. For how many miles along the shore have you seen them fishing?—A. For about 6 or 7 miles, I should say.

Q. How far do you live from Gaspé Bay?—A. About 80 miles.

Q. Do you live above or below it?—A. Above. We are just on the edge of the county. I live near Point Maquereau.

Q. Is Gaspé Bay above or below?—A. Below—down the St. Lawrence.

Q. Do you live on the Bay of Chaleurs?—A. No; we are on the edge of it.

Q. Then you live below Gaspé Bay?—A. We always speak of going up to the Bay of Chaleurs.

By Hon. Mr. Kellogg:

Q. What is Newport?—A. A village.

By Mr. Doutre:

Q. Then you live at the mouth of the Bay of Chaleurs?—A. Yes.

Q. When did you last see the Americans fishing?—A. About seven years ago.

Q. You say you have seen some of them fishing since, but not a great number?—A. No; I have not seen many of them during the past three years.

Q. But you have seen some of them during this period?—A. Yes, now and then.

Q. Have you any idea of the number of barrels of mackerel that they would take during the fishing-season, from spring to fall?—A. I can

say that the vessels which came to our place would carry from 400 to 450 barrels each.

Q. Would that be for one trip or for the whole season?—A. It would be for one voyage.

Q. Do you know whether they make more than one voyage during a season?—A. Some of them have told us that they made two trips a year.

Q. Could you state what is the average catch of the American vessels during the fishing-season?—A. To the best of my judgment they used to take from 500 to 600 barrels.

Q. Have you any idea as to the number of barrels which it would take to pay expenses?—A. I have heard, but I am unable to give a personal opinion on this point.

Q. Did you hear what the catch was some ten years ago?—A. I heard it lately, and about six or seven years ago.

Q. And did what you heard lately agree with what you heard six or seven years ago?—A. Yes; I heard it from those who were on board the schooners, and who had sold their shares of the mackerel.

Q. How many barrels would it require to pay the expenses of the fishing-season?—A. All schooners will not catch the same quantity of fish, and one captain may hire men at less rates than others.

Q. Some men work on wages and others on shares?—A. Yes; those on shares get half the fish; and they have to pay the cook.

Q. Who pay the cook?—A. The men. The expenses would cost from \$6 to \$7 a month.

Q. Would that be for the cook?—A. No, for each man.

Q. Would it not be more than that?—A. No; because they are fed.

Q. When they have ended the season, how many barrels of mackerel do you think it would require to pay expenses, not the wages of the men, but the expenses connected with everything that has been eaten and drunk and consumed on board of the vessel during the season?—A. I may say that it would take about 120 barrels.

Q. And that information you have received from the Americans?—A. Yes.

Q. Then the remainder of the fare is clear profit, to be divided between the owner and the crew?—A. Yes.

Q. When you speak of expenses, you include everything that is needed?—A. Yes.

Q. These include the shipping of barrels and bait, and everything?—A. They include all expenses.

Q. Are there any herring and cod in your locality?—A. There are some, of course, in the spring, and then again in the fall; but there are not many to be got in that quarter. There are plenty in the spring, but they are poor herring.

Q. You catch them for bait?—A. That is all.

Q. Before you left the place where you live, did you know whether the mackerel were coming up this year?—A. They were then just beginning to catch a few mackerel.

Q. When you left?—A. Yes.

Q. What were the reports?—A. That there were a good many near the Magdalen Islands.

Q. Do the Americans, when fishing, use hand lines or seines?—A. Most of them fish with lines; but I have seen them use purse seines. They were seining close to the shore at our place.

Q. Is this mode of fishing injurious or beneficial?—A. They take all kinds of fish in these seines.

Q. What do they do with them?—A. They only keep what they want, and throw the rest away.

Q. Does what is thrown away constitute a large proportion of what is thus caught?—A. Of course; I am sure of it.

Q. Do you think that you could give the percentage of what is useless to them in the catch of a seine? Is it a tenth part?—A. I have seen them seining for mackerel, but I never saw the mackerel in the seine.

Q. Have you seen what was thrown away?—A. I have seen them working the seines, but I have not been alongside to see what was done.

Q. When the Americans are curing fish on board their vessels, what do they do with the entrails, or offal?—A. They throw it overboard, and this is what spoils the codfishing, because at the place where they have thrown this overboard you need not try to catch cod for a long spell. I have proved that myself.

Q. You have tried it?—A. When I was a fisherman I used to spit beside the boat, and where I spat I could not catch fish, and I would then have to move to another place.

Q. Can you explain why you had to move?—A. I would say that fish eat too much of what is thrown overboard, and that they are not able to take any more bait afterwards more than that. I think that this makes the water in the vicinity impure.

Q. They would not take bait till they had digested all this offal?—A. They would not do so for a long spell.

Q. Then you have made experiments in this relation?—A. Yes; I would throw some in the water and that moment we had to move from that place. No more fish were to be caught there.

Q. Have you seen American, or even Canadian, vessels fishing for mackerel beyond three miles from the coast?—A. I have seen some fishing on the bank.

Q. On Miscou Bank?—A. Yes; between Miscou Island and Point Maquereau. The majority of the vessels, however, fished inside three miles from the shore.

Q. If you were called upon to state what proportion of the whole catch of the American vessels was taken within the three miles of the shore, and what proportion outside of this limit, what would be your answer?—A. I think that more than two-thirds of the catch has been taken inside the three-mile limit.

Q. Within three miles?—A. Yes.

Q. Did you ever fish on the Bay of Chaleurs?—A. No; never.

Q. Have you seen American vessels come amongst Canadian fishermen when the latter were engaged in fishing?—A. Yes; many times. Many American vessels have come alongside of the shore and thrown out bait, and taken the mackerel away, and after a spell none of our fishermen could catch any. A week after the Americans began to work in our waters there would be no chance for our fishermen. The latter could not take any bait in order to catch cod. Our fishing was thus ruined.

Q. They could not even take bait?—A. No. We never fish much for mackerel, but we used to catch mackerel in order to take codfish.

Q. Codfishing is your own line of business?—A. Yes.

Q. And the Americans prevented you getting bait?—A. Yes; because they used to take the mackerel away.

Q. Were you fishing on your own account?—A. Yes.

Q. Then, when the Americans had thus enticed the mackerel

did they fish with hand lines or with seines?—A. With hand lines; they would come to broadside and heave to, and fish with hand lines.

Q. Did they fish with these lines from the decks of their vessels or from small boats?—A. When a little off the shore they would fish from on board their vessels, but when close to the shore they would fish in dories, or small boats, here and there along the shore.

Q. Some on board the vessels and others in dories?—A. They would fish inside the coves with small boats, and about half a mile from the shore in their schooners.

Q. Have you seen the Americans use purse seines?—A. Yes; twice I saw them throw the seines, but I am not able to say how many mackerel they caught, but I know that they caught mackerel, because the boats used to take them from the seine to the schooner.

Q. Is not the purse seine drawn on board the schooner?—A. No; but from two small boats.

Q. Where do they empty these boats?—A. They bring their fish in the boats on board of the vessel.

Q. Can these small boats hold much fish?—A. O, yes; some of them can carry from ten to fifteen barrels.

Q. Is it to your knowledge that the Americans have either purchased or fished for bait in your neighborhood?—A. Once I saw a schooner come on shore and buy some herring.

Q. Did they buy a large quantity?—A. No; only a barrel.

Q. You only saw one schooner buy it?—A. Yes; only one.

Q. Is the cod-fishing on the increase or decrease?—A. It is a good deal on the increase; it has doubled within the past two years.

Q. How do you explain that?—A. It is because the fishermen can get mackerel for bait now.

Q. Is this due to the fact that the Americans have not been there?—A. Exactly; two years ago only a few of them were there, and that is the reason why.

Q. Do you know any other reason explaining it?—A. I know nothing except that. During the best part of the season, previously, our fishermen could often not get bait.

Q. And then they got bait and the catch of cod increased in quantity?—A. Previously there were plenty of small fish, but not of big fish; the latter were all taken away. Since then, however, we have taken big fish, and more of them during these two years than we did during the previous twenty years.

Q. Without our bait I suppose it is no use for the Americans to fish?—A. No.

Q. Not without bait?—A. No.

Q. Suppose the bait of an American vessel were exhausted—if under such circumstances they could not buy it on our shores, they would have to go home for it?—A. Yes; if they have no bait they cannot catch fish.

Q. Do you consider that it is an advantage for them to be able to buy bait in our waters?—A. Yes.

Q. Do you think that an American vessel could take from 250 to 300 barrels of mackerel, and have time during the season to go home and return for a second fare, if they could not transship one cargo?—A. Many vessels used to transship—not exactly at home, but into some other vessel which was returning.

Q. Do you think that they would have time to go to Boston or Gloucester and return for a second cargo except in good weather?—A. They might early in the season.

Q. In good weather ?—A. Yes.

Q. Did you ever hear of Canadians going to fish in American waters ?—A. No.

Q. Have you seen Americans fishing for halibut ?—A. No.

Q. Judging from your experience and the conversation you have had during the last twenty-five and thirty-five years with the people who have fished and come here on board of American vessels, do you think that it would be profitable for the Americans to come into the Bay of the Saint Lawrence, or into any part of it to fish, if they were prevented fishing within three miles of the shore, save say near the Magdalen Islands and Labrador coast ?—A. They would not come under such circumstances.

Q. They would not ?—A. No ; because it would not be profitable for them to do so.

By Mr. Foster :

Q. Did I understand you to say, you thought it would take 120 barrels of mackerel to pay the expenses of a trip ?—A. Yes.

Q. And that is before there would be anything to divide for the wages of the men, or the owners of the vessel, is it not ?—A. I meant to say that it would take 120 barrels to pay all expenses.

Q. And that does not include the pay of the crew for their time ?—A. Yes.

Q. Paying them how much ? The crew are paid by shares, are they not ?—A. By shares or wages.

Q. Then you include the wages for the crew in the 120 barrels ?—A. Of course.

Q. You think that 120 barrels of mackerel would pay all expenses ?—A. It would pay all except the owner ; the crew has nothing to do with the captain. The owner has his own share besides. I understand that the crew get one-half, and the owner one-half, of the catch.

Q. Do you mean that the wages paid the crew would be found by means of these 120 barrels ?—A. Yes ; because I have heard from them that they were paid.

Q. It would include their pay ?—A. They are paid by the month or by shares.

Q. When you say that 120 barrels are sufficient to pay the expenses do you suppose the men are paid by shares or by the month ?—A. It makes no difference. From what I hear the men used to be paid \$120 month. If they worked on shares, of course some years they would catch more and other years less.

Q. Suppose that the crew were not paid by wages at all but had a share in the catch, how many barrels of mackerel would there have to be caught to pay expenses, and before there would be anything to be divided between the owners and captain, and crew ?—A. It would be difficult to say.

Q. Why harder than in the other instance ?—A. Of course, I could tell from what I have heard concerning the prices of one or two years but perhaps after two or three years the price might fall.

Q. Take the same condition of things as those under which you made the estimate of 120 barrels and tell us how many barrels, under those circumstances, would pay the cost, excepting the wages of the crew ?—A. Is that for the whole vessel or only for the crew ?

Q. We are talking about the expenses of the voyage, and you said that 120 barrels would pay them ?—A. I meant the crew.

Q. But, excepting the time of the crew, how many barrels would pay

the expenses of the voyage?—A. I think that 120 barrels would certainly pay the expenses of the voyage.

Q. Does that include the wages of the crew or not?—A. I mean for the voyage.

By Mr. Doutre :

Q. Mr. Foster wishes to know whether your estimate includes the expenses of the season?—A. It includes the cost of the voyage.

Q. Does it cover the share or the wages of the crew?—A. It covers the wages of the employés.

Q. Then the remainder is clear profit for the owner of the vessel?—A. Yes, sir.

Q. Suppose that the crew were engaged on shares, how many barrels would be necessary to pay the expenses apart from the division of the fish between the crew and the owner?—A. I mean all the expenses; I include the wages in the estimate.

By Hon. Mr. Kellogg :

Q. Suppose that the crew were hired with wages of \$20 or \$15 each, do you mean to say that 120 barrels would pay all expenses?—A. Yes; only I calculated the wages at \$12 a month.

By Mr. Doutre :

Q. Suppose the crew worked on shares, to be well remunerated if fish are abundant and less so if the case be otherwise, then how much prior to the division of the catch between them and the proprietor would be necessary to pay all expenses?—A. I think that the expenses for the season would be at least about one-third.

Q. Of what?—A. Of the results.

By Mr. Foster :

Q. I understood you to say that the boats would catch from 100 to 120 quintals in the season?—A. Yes; of dried fish.

Q. How many nets would each use?—A. Two.

Q. And for how many days would you fish?—A. God knows; we sometimes only fish half the time.

Q. How long is the average?—A. Perhaps half the season, or about two and a half months.

Q. How many days would that be; 65, if you did not fish on Sunday?—A. Yes; I think so.

Q. Would you catch from 100 to 120 quintals in 65 days?—A. Yes; and I have seen them catch more than that.

Q. Do you think that this estimate is a fair average?—A. Yes.

No. 11.

WILLIAM MCLEOD, farmer, formerly seaman and fisherman, Port Daniel, district of Gaspé, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. Where do you live?—Answer. I live in Gaspé, Canada.

Q. How long have you lived there?—A. Forty years or more.

Q. How old are you?—A. Sixty-three years this month.

Q. You live on Gaspé Bay?—A. I live in the district of Gaspé, in the county of Bonaventure.

Q. How far from Gaspé?—A. Sixty miles or more west. At Port Daniel.

Q. You live on Bay Chaleurs?—A. Yes.

Q. Port Daniel is on the north side of Bay Chaleurs?—A. Yes.

Q. Bonaventure belongs to the district of Gaspé?—A. Yes; there are two counties in that district, Bonaventure and Gaspé Counties.

Q. The two counties make the district of Gaspé?—A. Yes.

Q. Have you been acquainted with the fishing there as long as you recollect?—A. I have been acquainted with the fishing there forty years.

Q. That would make you twenty-three years when your attention was first directed to fishing?—A. About that age.

Q. Did you go into the business yourself at that time?—A. I went into business for another person at that time.

Q. In what capacity?—A. As an assistant in trading—purchasing fish along the shores.

Q. Do you mean buying up the fish?—A. Yes.

Q. From those who caught them?—A. From those who caught and cured them.

Q. You bought cured fish?—A. Yes.

Q. Would that be along the whole of Bay Chaleurs?—A. Along Bay Chaleurs and Gaspé also.

Q. You traveled the whole coast round?—A. We sailed all the coast round in a vessel.

Q. How long were you engaged in that work?—A. Four months that season.

Q. At what time of the year did you commence?—A. Some time about the last of July or first of August.

Q. Do you remember what year it was?—A. I think it would be in 1836.

Q. During that year did you notice whether the Americans were fishing?—A. I saw a few Americans in Bay Chaleurs at that time, maybe half a dozen.

Q. Did you along the coast towards Gaspé notice any fishing going on?—A. I did not notice any Americans fishing going along there at that time.

Q. At that time how was the Canadian fishing done?—A. It was chiefly codfishing; some mackerel were caught by the inhabitants generally—men, women, and children.

Q. Were the mackerel caught for exportation or mainly for home use?—A. Not for exportation to any foreign country, but chiefly for Quebec.

Q. Were they caught in large numbers in those days?—A. Not in very large quantities, because they were not prepared to cure large quantities; but there was an abundance of fish.

Q. The codfishing was chiefly prosecuted at that time?—A. Codfishing was the chief business of the fishermen at that time.

Q. Was the codfishing done chiefly by the Jersey firms located at Gaspé and Bay Chaleurs?—A. The majority of the fish were cured by the Jersey firms, yet a large portion was sent to Halifax, West Indies and Quebec.

Q. After that, what was the next employment you had in connection with fishing?—A. In the following year I fished for cod.

Q. On your own account or for some other person?—A. I engaged with employers, but I was to have the fish I caught, they curing it.

Q. Was that in a Canadian schooner?—A. No; in a boat.

Q. Was that off Port Daniel?—A. Off Pabos, in the county of Gaspé, about 5 miles below the county line.

Q. Off Grand Pabos?—A. Yes.

Q. That is right out in the gulf?—A. Yes; just outside the county line.

Q. Did you fish altogether that year?—A. Up to the latter part of August.

Q. In codfishing altogether?—A. Yes.

Q. Do you recollect what your catch was that year?—A. I cannot tell you the quantity of fish taken, but I remember the amount of money I received.

Q. What was it?—A. About £10.

Q. At what time did you commence to fish?—A. At the latter part of May or first of June.

Q. You were employed for two months or more, and you received that amount?—A. Yes; that is exclusive of my fit-out.

Q. That was over and above all expenses?—A. Yes.

Q. Why did you not continue fishing later than August?—A. Because I had an engagement elsewhere which paid me better.

Q. During that time did you take mackerel?—A. Only for bait.

Q. Were there plenty of mackerel?—A. Plenty for bait.

Q. If you had been prosecuting mackerel fishing would you have found plenty of fish?—A. Yes; if disposed to fish for mackerel, there were plenty of fish.

Q. The mackerel trade had not sprung up to such large dimensions at that time?—A. I know of no mackerel being then sent except to Quebec, where the price was very low.

Q. What was the price?—A. \$4 or \$5 per barrel.

Q. The trade with the United States had not then sprung up?—A. No.

Q. Will you tell the Commission, as far as you are aware, how the mackerel come into the bay, where they come from, and how they strike the shores?—A. The mackerel, up to the last two or three years, have made annual visits to the bay and the Gulf of St. Lawrence, about the 1st of June or 1st of July. They have come in very large schools. They make generally for the head of the bay for the purpose, as our fishermen say, and as I believe, of spawning.

Q. That is at the gulf?—A. At the head of Gaspé Bay, likewise on the north shore of Seven Islands and up Bay Chaleurs right into tide-water, into fresh water; and up the south shore of the St. Lawrence to Matane.

Q. Are those the spawning grounds?—A. They are supposed to be the spawning grounds, and I believe such is the case.

Q. How far up the St. Lawrence?—A. Pretty nearly to Bic.

Q. Does your observation lead you to believe that these are the spawning grounds for mackerel?—A. I do believe so, for I have seen, what were said to be fry, coming off the sand.

Q. In all those places?—A. Yes.

Q. When the mackerel come into the bay where do they first strike?—A. As nearly as my observation would lead me to judge, they come right into the channel from deep water or from the Grand Banks perhaps. I don't know that such is the case, but I believe they come from the Banks, which naturally would be their feeding grounds. They come straight in like all other fish which make for spawning grounds; nature directs them.

Q. Are you aware whether they strike Prince Edward Island and north?—A. I am not aware; I believe the schools of fish visit their spawning grounds from year to year.

Q. Do they spawn on Prince Edward Island shores?—A. I am not aware that they do; I cannot say.

Q. Do they strike the island first and then go straight north?—A. I believe a portion do, but I don't believe the same schools do that as go up the gulf. I believe the fish that go up the south side of the gulf come from Richibucto and in that direction.

Q. They are different schools, you think?—A. Yes.

Q. Is the mackerel-fishing at Gaspé Bay better than the mackerel-fishing at Prince Edward Island?—A. I am not aware; I am not so well posted up in regard to Prince Edward Island; I have caught fish there in the latter part of June.

Q. Is that earlier than the fish generally visit Gaspé Bay?—A. I have caught fish coasting outside, not close in.

Q. What fish first visit your coast in spring?—A. The fish we find on our coast in spring are herring.

Q. What time do they come?—A. It depends upon what time the ice breaks up. I believe they come under the ice frequently; we find them frequently there in May.

Q. As soon as the ice leaves the coast?—A. I have seen them taken through ice-holes.

Q. Do they stop under the ice all winter?—A. No; they come in under the ice.

Q. After them comes cod?—A. Yes.

Q. How soon after herring?—A. We sometimes catch cod there about the first week in June, not in abundance, but between that and July the heavy schools come.

Q. Do they catch cod as a rule within three miles of the shore, or in deep water beyond?—A. In our bay, the fishing is all within three miles of the shore, particularly in spring. In spring for three or four weeks the fish are close inshore because the bait is there.

Q. As soon as the season advances, do they go out into the bay?—A. As the season advances the bait-fish commence to move off into deep water, and then they sometimes run with another kind of bait. There are different sorts of bait which visit our shores.

Q. Do the codfish move out?—A. They move out also.

Q. At what time do they begin moving out?—A. At the latter part of July, sometimes in August; sometimes it will be as late as August.

Q. At what time do the mackerel move out?—A. I have yet to learn that; not till late in October.

Q. Do they remain there all the fishing-season?—A. Yes.

Q. What do mackerel usually feed on?—A. Lants, shrimp, another similar bait which we call brit. It is generally supposed that it is attached to the bottom; it is a marine insect, and when there is an unusual sea disturbing the water where they lie, they float to the surface.

Q. The heavy sea disturbs them at the bottom?—A. Yes; on a shoal bottom, and they are seen floating.

Q. Do the mackerel feed on them at the bottom?—A. They may feed on them at the bottom, because I have often caught mackerel which have been at the bottom, and their entrails have been filled with this kind of bait. I believe they will fatten on that better than on any other food, because they have not to chase after it.

Q. On all the grounds you have spoken of you have seen mackerel fry?—A. I have seen mackerel fry at the head of Bay Chaleur, at Herring Island, at Maria, Seven Islands, and at Madeleine.

Q. Have you seen mackerel fry in Gaspé Bay?—A. I have not seen them there, but I have been told there is a large amount occasionally.

Q. You have not had occasion to look there for them?—A. No.

Q. Where do the cod spawn?—A. There are several distinct schools of cod in a season.

Q. Do you mean distinct species?—A. No; distinct schools.

Q. Do you mean there are many separate schools?—A. I mean that the schools keep separate, and they come at different seasons, and can only be caught with the bait of the season. You may procure any amount of bait out of season—that is to say, bait which is not for that distinct school of fish, and you cannot get them in abundance, not in quantities sufficient to pay.

Q. Do the schools come at different times, one after the other?—A. Yes.

Q. Would two distinct schools be inshore at the same time?—A. Not that I am aware of; they either go off or move out.

Q. You never saw two schools in the same water at the same time?—A. No.

Q. How often have you to change your bait for cod during the season?—

A. The fishermen know from the bait itself; when the fish strike inshore the fishermen know what kind of bait is required. First there is capling. Formerly the greatest portion of the catch was taken with capling. Then those who can procure them, use clam.

Q. Do I understand that before you commence using clam, capling will have left the shore?—A. Yes.

Q. How many days will capling generally remain?—A. In one place it might remain a fortnight, and extend itself along the shore from one end of a county to the other; it might remain one month.

Q. Take any particular place, how long would capling remain there?—A. About a fortnight.

Q. They replace them with clams?—A. That is when they can be procured.

Q. Does any other fish come in and replace capling?—A. Herring is next.

Q. You can take cod with herring?—A. Yes; but after capling leaves the ground-clams would be the next resource, where they could be procured, and we would send 40 or 50 miles to procure them.

Q. Why do you not use herrings instead of clams?—A. Because the fish would not bite them as well.

Q. After clams what do you next use for bait?—A. Herring.

Q. After the clam bait is exhausted, do cod take herring as well?—

A. They take herring more readily than any other fish after that; fishermen can work with them better than with clam, because it is tough.

Q. Is it another school of fish which take herring instead of clam?—

A. Yes; that is my experience. The reason why I state so is because I have tried fishing with clam and herring on the schools.

Q. At one time clam would answer and herring would not?—A. Yes.

Q. And at another time herring would answer and clam would not?—

A. Certainly.

Q. Did you notice any difference in the characteristics of the fish?—

A. Yes; the fish which take herring are heavier and fatter than the fish which take clam, in proportion to their size. They are not, perhaps, very much larger, but they are firmer and fatter and much better fish.

Q. Otherwise they are the same fish?—A. Yes.

Q. What do you use after herring?—A. Mackerel.

Q. Are there other schools of cod?—A. They are other schools. There

is what fisherman call a mackerel school. The codfish are coming after the mackerel.

Q. Then you take young mackerel for bait?—A. We take mackerel of any size we can get hold of about that time.

Q. And they last the season out?—A. No; we next use squid. They are next to mackerel and the best.

Q. About what time do squid make their appearance?—A. About 1st August.

Q. Do you find them in large quantities?—A. In vast quantities at times. I have seen them driven on shore in abundance and many barrels taken at different times.

Q. How do you catch them?—A. With a jig. It is made of a piece of lead fitted with a number of hooks at the bottom, with a short line and a piece of rag attached; each man uses one on each side of the boat. All they have to do is to keep hauling and they pull up numbers at a time. I have known men take 300 in the course of two hours.

Q. They don't bite?—A. I believe they bite the rag, but they are supplied with a number of feelers, and when they touch anything they stick to it.

Q. That makes the best bait of all?—A. That makes the best bait for codfish I know, except capling.

Q. What is the bait next used?—A. When they cannot procure squid they seine for smelt, which remains all winter. They get smelt whenever they can get a seine in the water.

Q. How do they answer for bait?—A. They are poor bait.

Q. At what time are you obliged to take smelt?—A. In September and November.

Q. There is not much mackerel fished in November?—A. I saw none after November.

Q. Have you ever seen any caught as late as that?—A. I don't think I have.

Q. Witnesses have spoken about mackerel-fishing ending toward the middle of October?—A. The middle of October and last of October. I have caught them myself on 20th October in our bay.

Q. After you had fished that season inshore, what was your next employment in connection with fishing?—A. I then removed to Port Daniel and fished again for myself.

Q. Cod or mackerel?—A. Cod.

Q. Where did you fish?—A. In Port Daniel and about the mouth of Bay of Chaleurs.

Q. You fished in boats, I presume?—A. Yes; in a small boat inshore.

Q. Did you fish the whole season?—A. The whole season.

Q. How many boats?—A. Only one boat.

Q. How many men besides yourself were in the boat?—A. One man.

Q. How did you catch your fish?—A. With lines and hooks.

Q. When did you land?—A. We landed every day.

Q. At the end of each day?—A. Sometimes we did not fish over two or three hours, sometimes a whole day, according to the fish we took. There are days when fish are plenty, but they will not bite.

Q. If the fish were plentiful, how long would it take to fill the boat?—A. It would take two fishermen four hours to fill one of our modern sized fishing-boats, with 5, 6, 7, or 8 quintals.

Q. Would you wait to fill your boat before you went to shore?—A. We would if the fish were in sufficient quantities.

Q. Did you catch the cod within the three-mile limit, or out of the bay, offshore?—A. Within the three-mile limit.

Q. Then you landed and dried them?—A. Yes.

Q. That continued all the season?—A. Yes.

Q. What would be the catch per season?—A. About 80 quintals.

Q. What was the price at that time?—A. \$4.

Q. To whom would you sell them?—A. To the Jersey establishments.

Q. Would you take them there?—A. When properly dried, sometimes we would do so. When we make an arrangement with one of the Jersey establishments for them to take the fish when cured, they will collect the fish when they are in merchantable order.

Q. Where had the Jersey men their establishments at that time?—A. At Paspebiac and Perce.

Q. At the north side of the Bay Chaleurs, in the county of Bonaventure?—A. Yes.

Q. Where else?—A. At Gaspé and Grande River.

Q. How did they collect the fish?—A. They have shallops or small schooners for the purpose of collecting fish. They send and collect the fish when cured, and afterward classify the fish according to qualities.

Q. You say there was one man with you in the boat; would you require another man on shore for the purpose of cleaning and drying the fish?—A. We did not in that case, because the family I resided with cured the fish.

Q. If such had not been the case, would you have required another man?—A. Yes.

Q. You require drying stages?—A. Yes; salting stages and forms to dry them on.

Q. Do these Jersey firms encourage mackerel-fishing?—A. They have not done so up to this time.

Q. Don't they discourage it?—A. They do.

Q. Their employés are chiefly French?—A. They are chiefly French; a majority of them are so, but there are a great number of other nationalities.

Q. The great body are French?—A. The great body of them are French Canadians.

Q. And they want entirely the cod business to be attended to?—A. That is their business.

Q. They have a monopoly of it?—A. They have sometimes purchased a few quintals of No. 1 mackerel to ship to Jersey for their own use.

Q. They have a very large trade with the Mediterranean?—A. Yes; with the Mediterranean and the Brazils.

Q. Is the trade a monopoly?—A. Yes; almost exclusively a monopoly.

Q. What did you do next year?—A. Next year I was engaged in clearing up a piece of land for myself, and doing a little fishing.

Q. Pass to some year in which you were exclusively engaged in fishing?—A. In 1851 I engaged on board an American schooner.

Q. What was her name?—A. The *Ida*, of Gloucester.

Q. Who was her commander?—A. Charles Maston.

Q. What were the terms on which you shipped?—A. I was to have half of the fish I caught.

Q. Did you engage at Port Daniel?—A. Yes; I did not go to Gloucester.

Q. Explain what is the practice when men ship on terms of receiving half their own catch; have they each separate barrels?—A. Each man marks his own barrels as he fills and packs them. If his catch is ten barrels he gets five barrels as his own, and has to pay for packages and

bait out of that. There is always some deduction made when he receives pay for the fish.

Q. The object is to cause each man to be interested in the catch?—A. Yes. There are, however, instances in which men have been hired. If a master can make a good bargain with a very experienced pilot he will engage him at so much and take his catch himself.

Q. He does not get the benefit of any person's catch except his own?—A. No.

Q. Where did you fish when on board the *Ida*?—A. We fished principally in Bay Chaleurs.

Q. At what time did you commence fishing?—A. Some time in August.

Q. Is not that late?—A. It is not late. A great number of vessels only come into the bay at that season to make up full catches.

Q. When you went on board had they caught any?—A. About twenty barrels.

Q. Where had they been fishing?—A. The first fish they caught was over at Bonaventure Island.

Q. Did they fish for the rest of the season in Bay Chaleurs?—A. They fished up to about October 1, in Bay Chaleurs.

Q. In the middle of the bay or inshore?—A. Chiefly inshore.

Q. How far from the middle of the channel?—A. Sometimes a quarter of a mile and sometimes a mile from shore.

Q. Did you ever get beyond the three-mile limits?—A. We might sometimes have caught a very few outside three miles. The fish at that particular season are inshore.

Q. Did you go round the bay as far as Restigouche?—A. As far as Herring Island.

Q. Did you come down the south shore?—A. Yes, by Bonaventure and Maria.

Q. Is the fishing better at the mouths of the rivers which run into the bay on the south shore?—A. The mouth of Nipisquit River, which empties into Bathurst harbor, is the best fishing-ground on Bay Chaleurs.

Q. That is the best fishing-ground on the south shore?—A. That is what I found best.

Q. How far from the shore?—A. From one mile to one mile and a quarter.

Q. Outside?—A. Yes.

Q. You are acquainted with Bay Chaleurs; is there any really good mackerel or cod-fishing four or five miles from land; say in the center of the bay for instance?—A. At certain seasons cod-fishing is best in the center of the bay.

Q. What season of the year do you mean?—A. I should say October perhaps some time early in November.

Q. Can you keep on cod-fishing until the ice makes?—A. So long as you can keep out in the stormy weather.

Q. What about mackerel?—A. Mackerel at that season are about moving southward.

Q. Is there any season at which the mackerel are caught in the center of the bay more than three miles from land?—A. The heaviest fishing I ever knew caught in the bay was in the center of the bay, but it was only once. It was exceptional.

Q. Do you remember what year that was?—A. It was the first year of the Reciprocity Treaty—1854.

Q. You know it was an immense catch?—A. Yes.

Q. Was it taken by any vessel in which you were concerned?—A. I had nothing to do with it.

Q. Was it taken by an American vessel?—A. Yes.

Q. How taken?—A. By hand-lines.

Q. Did you ever know an instance of such an occurrence before or since?—A. I have known that they have taken fish occasionally, but not in such abundance—not in such heavy draught.

Q. When fishing in the bay in 1851, did you try outshore fishing?—A. We did.

Q. Did you succeed in catching anything?—A. Very little; we never could catch more than half a barrel at one time.

Q. You then come inshore again?—A. Yes.

Q. You worked round the north side of the bay, down the south side; and where else?—A. We had succeeded in filling the vessel before we left the bay.

Q. How many barrels?—A. About 280 barrels.

Q. What was the tonnage of the vessel?—A. Sixty-five tons.

Q. Was that a full fare?—A. Yes.

Q. What did you do then?—A. We went to Cape Breton.

Q. About what time did you complete your fare?—A. Early in October.

Q. Did you transship at Cape Breton?—A. We transshipped 40 or 50 barrels.

Q. Why did you not transship the whole catch?—A. What we transshipped was to a vessel which was not fully loaded, and which wanted supplies. We had sufficient supplies to go on further, and we purchased barrels at Mabou, Nova Scotia.

Q. It was not a vessel belonging to the same owner?—A. I think we belonged to the same firm, but I could not be certain. I don't remember the name of the vessel, but she was commanded by Captain Smith.

Q. That was pretty late in the season, in October?—A. It was about 9th October we transshipped that fish.

Q. Did you go back to the bay?—A. We fished off Cape Breton.

Q. Did you fish toward the bay, or outside?—A. North and west. We fished at Shippegan and Miscon.

Q. By the time you caught 45 barrels, how far was the season advanced?—A. About the 20th we completed the fare.

Q. What did you catch?—A. Forty-five barrels.

Q. Then you went to Gloucester?—A. Yes.

Q. When coming down from Bay Chaleurs to the Gut of Canso, where you transshipped, did you try to take any fish off Prince Edward Island?—A. No; because we had a full fare.

Q. The fish you took off Miscon and Shippegan—did you take them inshore or out in the bay?—A. All inshore.

Q. Within three miles of the shore?—A. Within half a mile of the shore.

Q. It is a pretty bold and rocky coast?—A. It is bold and rocky, with deep water right inshore.

Q. Do you recollect what the price of mackerel was at that time?—A. I recollect perfectly well.

Q. You have said you had 280 barrels and the 45 barrels; what was the proportion of No. 1 and No. 2 mackerel?—A. About three-quarters were No. 1.

Q. At the north, in Gaspé Bay and Bay Chaleurs, are not the greater proportion of mackerel taken No. 1?—A. That depends on the season. The fish taken up to the 1st August are inferior.

Q. You say it depends on the season?—A. On the time of year. The

fish caught in the early part of the season are inferior fish; in fact, so much inferior that they are hard to cure.

Q. Those taken later in the season are good?—A. Yes; they are good. From the middle of August they begin to get better, and improve to the end of the season. They are more valuable.

Q. And the large majority are No. 1?—A. Yes, at that time.

Q. You say three-quarters of your fare that season were No. 1?—A. They proved so on inspection.

Q. What price did you obtain for them?—A. Mackerel were selling at \$16 for No. 1 and \$12 for No. 2. We had no No. 3 mackerel.

Q. How many composed the crew of the vessel?—A. Twelve, in all.

Q. I suppose you yourself did a great deal of fishing?—A. Not so much as some of the other men, because I was not so much experienced.

Q. How many barrels had you for your share?—A. I caught 13 barrels, and had 6½ barrels for my share.

Q. Others got a good deal more?—A. Yes, a good deal more.

Q. It requires a good deal of experience to catch the fish?—A. It requires experience and activity, so much so that on the first day, when other men had filled a barrel, I had caught only a dozen fish.

Q. There is a knack about it which experience only teaches?—A. Undoubtedly so.

Q. What did you receive for your 6½ barrels?—A. They paid me so much a barrel. I don't know who purchased them; they were packed at Gloucester, and the master of the vessel paid me.

Q. How much a barrel?—A. \$16 for the best fish, \$12 for the others.

Q. When was your next fishing season?—A. The following season, 1852.

Q. With whom did you fish then?—A. I remained in the United States that winter and came back to Gloucester on an appointment and fished, I believed for the same firm, under Captain Watson.

Q. What was the name of the firm?—A. Friends & Co., or Friends Bros.

Q. What vessel did you go in?—A. The Bioan.

Q. When did you sail from Gloucester?—A. On 13th June.

Q. Describe which route you took?—A. We made direct for the mouth of Bay Chaleurs. The first fish we caught was off Bay Parbos, with the exception of one off Prince Edward Island.

Q. You went straight through the Gut of Canso?—A. Yes.

Q. You did not stop at Prince Edward Island?—A. We just hove to and caught one mackerel.

Q. You did not stop at Banks Bradley or Miscon?—A. We did not try the Banks, but went straight into the bay. I believe the Captain had a motive in doing so. He agreed with me to take me to my own place of residence when we sailed, and he consequently thought that was as good fishing-ground as any.

Q. He knew you had had experience of the ground?—A. That was no doubt his reason. I had been in communication with the parties while in the interior of the United States, and I arrived at Gloucester by appointment.

Q. Were you thoroughly acquainted with Bay Chaleurs and the coast of Gaspé?—A. Yes.

Q. Then you answered as a pilot as well?—A. That was supposed to be the nature of the case. That was the inducement.

Q. Where did you commence?—A. Off Pabos Bay. The first time we lay to there we caught about 40 barrels.

Q. How long did it take you to catch them?—A. Two hours and a half.

Q. How many men formed the crew?—A. Fifteen.

Q. You were experienced and caught more than a dozen that day?—A. I caught two barrels that day.

Q. And others of the crew in proportion?—A. Yes, some of them more, of course.

Q. Were they good mackerel?—A. No; they were rather poor.

Q. They would be No. 2?—A. Chiefly No. 3; some were No. 2.

Q. Did you make any distinction at the time of the catch?—A. It would never do to mix different qualities of fish, because it would injure them for the market. After the mackerel are caught they are packed according to quality.

Q. Has each man three barrels?—A. When fishing each man puts his fish into his own barrel, and after the fishing is completed the men turn to, and perhaps two men assist each other in splitting up and preparing the fish for salting.

Q. Do they do this at the end of the day's fishing?—A. They do it immediately they quit fishing.

Q. Could you not fish all day long?—A. Yes, if the fish would remain alongside, but they don't usually bite all day.

Q. When you clean fish what do you do with the offal?—A. Heave it overboard.

Q. Did you do that on your first voyage?—A. We do it always.

Q. You never knew then of vessels landing to dress their fish?—A. No.

Q. Were the 40 barrels caught within the three-mile limit?—A. Within a mile and a half of the shore.

Q. What is the effect of throwing offal overboard on the fisheries?—A. In what way?

Q. Is it injurious or otherwise to the fisheries?—A. It is injurious, decidedly so.

Q. State why you entertain that opinion?—A. In the first place, if it is done on grounds where fishermen are fishing for cod, it will glut the fish. Mackerel, so far as I am aware of, will not take the offal, but cod will feed on it when it is fresh. Our fishermen are not able to take cod with their bait when this offal is thrown overboard. If a very large quantity of offal is thrown overboard from a large fleet of vessels it is injurious in another way; it makes the water putrid and poisons the small fish.

Q. Have you noticed the water putrid?—A. I have.

Q. In how many fathoms?—A. In 4 or 5 fathoms. That is easily explained. On our coast, in most cases, there is a strong current setting up or down, at a certain distance from the shore, and inside of that there are eddies, and that foul matter comes into the eddies and tends to injure the fish.

Q. It does not get out of the eddies?—A. No.

Q. Have you ever smelt it?—A. Any one not accustomed to fishing, coming to a place where a large amount of offal has been thrown overboard, will distinguish it very quickly.

Q. Then do I understand you that without offal being thrown inshore, but out in deep water, you can smell it at sea?—A. For one or two miles.

Q. Fish will not enter the water at that point?—Not to any great extent, until the offal is displaced by the tide.

Q. Are these places where mackerel spawn?—A. Not in all cases.

Q. In many cases?—A. In some cases.

Q. What effect will this have upon mackerel spawn and fry?—A. It will be injurious to the mackerel fry in particular, especially in places like Seven Islands. If a large quantity of offal is thrown in, it will not get washed away until the tide has flowed for a long time; perhaps a spring tide will be required to do it.

Q. Must there not be an equally injurious effect upon the spawn itself?—A. I should suppose naturally so; I am not positive that it would be so, but I should think so.

Q. You are not able to catch fish until some time has elapsed at the place where offal has been thrown in?—A. As a great thing our fishermen give up the attempt.

Q. For the same reason?—A. That is the reason, I suppose.

Q. That they cannot catch fish?—A. Not until they move to another ground, one or two miles away.

Q. In your judgment it destroys the fishing-ground whenever offal is thrown over?—A. I believe it on oath. I don't pretend to be a very practical man in fishing, but I am stating my experience; there are hundreds of men more experienced than I am.

Q. But you have had practical experience, and you are stating your judgment?—A. Yes.

Q. What is the judgment of Americans?—A. They have stated that to me also.

Q. They have stated what?—A. They have stated what I say to you, that when a large quantity of offal is thrown overboard it is injurious to fishing.

Q. Is it really destructive?—A. I should suppose for the last three years it has been. During the last two years seining has done a great deal more injury than line-fishing. An immense amount of seining has been done in the gulf.

Q. Fish have been scarce for the last year or two.—A. Mackerel have been.

Q. Do you attribute it to offal having been thrown overboard in previous years; do you think that had anything to do with it?—A. Not that alone.

Q. Do you think that has been one of the causes operating?—A. It has no doubt had a tendency that way.

Q. During the last year or two the Americans have not been there so much?—A. They have not. This year the fish are approaching again.

Q. With regard to your voyage in 1852, where did you go after taking 40 barrels off Pabos?—A. To Port Daniel, my place of residence, which we left for the mouth of Saint Lawrence River.

Q. You went down to Anticosti?—A. We went to Gaspé Cape. The best fish we caught were about 12 miles above Gaspé Head.

Q. You were keeping inshore?—A. Yes.

Q. You went round the north part of Gaspé, and up the Saint Lawrence nearly as far as Bic?—A. Up as far as Matane.

Q. By that time you had got a full fare?—A. By the time we got back we had got a full fare.

Q. You crossed over to the north shore and went to the north end of Anticosti and fished there?—A. Yes.

Q. And during the whole time you kept fishing within the three-mile limit?—A. Always, except when cutters drove us off.

Q. Did cutters interfere with you?—A. They did.

Q. Where did they find you?—A. Inshore. All along the north side of the Saint Lawrence.

Q. Were the cruisers along there?—A. They cruised from Gaspé to

Matane. Where there is a fleet of 500 sail along the shore there is a signal kept.

Q. Were they steam cruisers?—A. Some steam and some sailing.

Q. With the steamers you could see the smoke?—A. Yes. With such an extent of coast and so large a number of vessels, when a cruiser appears one of the vessels at the outside of the line makes a signal and then the vessels strike off.

Q. What was the signal?—A. The vessel's own signal.

Q. Then the vessel hauled out of the three-mile limit?—A. Yes.

Q. You did not stay long outside?—A. Not long. As soon as the cruiser was out of sight we were back again.

Q. After you had completed your fare, how many barrels had you on board?—A. Between 360 and 380.

Q. What was the size of the schooner?—A. 90 tons. The vessel carried more than vessels usually fitted out for mackerel-fishing, for she was built to carry freight.

Q. Were the men engaged on the same terms as on the previous year?—A. Yes.

Q. Where such terms are made, the cook stands out separate?—A. Not always.

Q. How can he make a catch?—A. It is very simple. If he is a smart man he will arrange that the men have a meal at daylight. I have seen a cook on board take more than any other man.

Q. Was the cook on this occasion paid?—A. Yes.

Q. And the men had to pay their share?—A. Yes.

Q. What else had they to pay?—A. For bait and barrels.

Q. Any proportion of the insurance premium?—A. I have never been charged for that. It belongs to the owners, unless it is a company affair right through.

Q. What about salt?—A. I have never been charged for salt.

Q. After your fare was completed what did you do?—A. I landed at Perce and went home.

Q. Where did the vessel go?—A. To Arichat, Cape Breton, to transship. It is on the eastern side of the Straits of Canso. All the fare was transshipped there.

Q. In what time had you succeeded in completing your fare?—A. I landed on the 13th of August at Perce. I started from my place on 15th July.

Q. Then there was time for another trip?—A. It was stated to me in the following spring that the vessel had fitted up again. I don't recollect on what grounds they fished, except that it was in the gulf.

Q. What was your share of the catch that year?—A. I don't recollect the quantity; my fish went to Gloucester and I received my pay by a bill on Halifax.

Q. What did it amount to?—A. \$130.

Q. Did you fish during the remainder of the season?—A. Not particularly fishing. I was in a fishing-vessel that season afterward, but I did not only fish.

Q. During the season of 1852 how many fishing-vessels were in the Gulf of Saint Lawrence?—A. About 600 in all—that is, in the gulf.

Q. Do you know what were the ordinary fares that year?—A. I believe about 250 barrels; that was about the average.

Q. When you say there were 600 vessels do you mean American vessels?—A. They may not have been all American vessels; they were chiefly fishing-vessels; some of them were from Nova Scotia.

Q. How many were from Nova Scotia?—A. I could hardly tell you—perhaps 30 or 40 vessels; there may have been more or less.

Q. Then about 460 or 470 vessels would be Americans?—A. Yes.

Q. How did the price of mackerel rule that year?—A. As I did not go with my mackerel to Gloucester I didn't pay any attention.

Q. When you spoke of 460 or 470 American vessels, or the whole fleet, do you mean they were all mackerel fishermen?—A. Yes.

Q. Were there any fishing for cod in addition to those?—A. Not that I am aware of.

Q. Where were you fishing in 1853?—A. In the American schooner *Minerve*, of Castine, Maine.

Q. Where did you ship?—A. He came to my place after me.

Q. He wanted you on account of your knowledge of the coast?—A. He wanted me to go on the *Saint Lawrence* with him.

Q. Did you ship on the same terms?—A. I shipped for a specified sum.

Q. For what sum?—A. At so much per month.

Q. How much per month?—A. Thirty-five dollars.

Q. When you shipped, had the vessel any mackerel on board?—A. Five barrels.

Q. Then she had not stopped on the way to fish?—A. I suppose not from that.

Q. Where did you commence fishing?—A. Outside of Bonaventure Island.

Q. Did you fish inshore or outside?—A. Within half a mile of land.

Q. How many barrels did you take there?—A. About five barrels.

Q. Then which way did you go?—A. From Gaspé on the old course. I have described.

Q. How long were you on that occasion before you got a fare?—A. We did not get a fare.

Q. It was not a good year?—A. Yes.

Q. What was the reason that you did not get a fare?—A. The captain was a very timid man and the cutters were more numerous.

Q. You had to keep out?—A. We tried outside, but we did not succeed in catching much fish; we took only 80 barrels.

Q. Did he run out when he saw a cutter?—A. When a suspicious vessel appeared he got under way and ran out.

Q. He lost so much time you could not get a catch?—A. That is it.

Q. Outside the limit you could do nothing?—A. Outside there were no fish.

Q. And he was too timid to remain inshore?—A. Yes.

Q. What was the result of the voyage?—A. The result was that I left him after three weeks.

Q. You found it was not a paying business?—A. It would have paid me. I was paid according to stipulation.

THURSDAY, August 9.

The conference met.

The examination of WILLIAM MCLEOD was continued.

By Mr. Thomson:

Question. When you left off yesterday you were speaking of being engaged with an American captain, who did not fish much inshore because he was afraid of the cutters, and you said you left her at the end of three weeks?—Answer. Yes.

Q. What did you do then?—A. After doing some work at home

vessel called upon me again to cruise in Bay Chaleurs, for the purpose of mackerel fishing and trading.

Q. Where was the vessel from?—A. She loaded from Portland. I could not remember where she belonged. The captain's name was Foster, and her name was Forest. She fitted out from Portland, Me. I think she belonged to an adjacent port.

Q. Did you engage in her?—A. I engaged to go in her up Bay Chaleurs on a voyage, for the purpose of taking and purchasing mackerel and purchasing salmon.

Q. What year was that?—A. The same year as I was in the *Minerve*—1853. A few weeks after I left the *Minerve*.

Q. Where did you go?—A. I went first to Caraquet and proceeded up to Bathurst and Herring Island, buying and catching mackerel.

Q. Did you catch them off shore or inshore?—A. Inshore.

Q. Did you succeed in getting a fare?—A. We caught very few, some 25 or 30 barrels altogether on that side, the south side of Bay Chaleurs.

Q. Did you purchase much?—A. We purchased some 40 or 50 barrels.

Q. Had you occasion when there to make any inquiry as to spawning grounds?—A. We crossed over to the Canadian side. I was told by an old fisherman, who had been brought up as a fisherman in the Orkneys, and from whom we purchased some few mackerel—which were inferior mackerel—that he had caught the fish in the spawning season. I personally knew him. I knew him to be an old and experienced fisherman from the Orkney Islands, in Scotland. His name was Magnus Firth.

Q. He told you he had caught the fish in spawning time?—A. We bought from him a few fish, but they were inferior; he said he could not sell them there. He brought some salmon as an inducement to take the fish.

Q. These fish were thrown in with the salmon?—A. Yes; he said the mackerel spawned before his own door; he was sure of that, because he had taken mackerel in that state, when they were blind, with a scale over their eyes.

Q. When spawning there is a scale over their eyes?—A. I am positive there is; I have caught them myself with a scale over their eyes.

Q. When taken in that state it is proof they are spawning?—A. Yes; they bury themselves in sand and mud. He said he had dragged them out of the sand—a mud loam bottom.

Q. Are you aware whether there is a scale over the eyes of the male as well as the female?—A. I could not say; I cannot distinguish the difference.

Q. That, then, is clearly one of the spawning grounds?—A. Yes.

Q. After that where did you go?—A. We came down the north side of Bonaventure, and caught some few more mackerel, and purchased some.

Q. Where then did you go?—A. To Port Daniel, and I left the vessel there.

Q. What became of her; do you know?—A. She proceeded on to Cape Breton to complete her cargo. She was an American vessel which went to Miramichi Rivers for the purpose of salmon fishing, then sold the salmon, and came on for the purpose of catching mackerel and purchasing salmon, and afterward returning to the United States.

Q. What was her size?—A. About fifty-five tons.

Q. How many men composed her crew?—A. Nine men only. I put a mast into the vessel.

Q. I think you explained—perhaps you might be more definite—the mode by which men who ship are paid by fish; what is the arrange-

ment?—A. The arrangement in my time, when I was accustomed to go in American fishing vessels, was this: Each man got half of the fish he caught when landed in port; he pays for his own barrels, for half of the bait, and \$1 for the culling and packing of the fish.

Q. In regard to the payment for half of the bait, how do you know how much bait each man uses?—A. The cost is divided equally. One man is supposed to consume as much bait as another, as it is hove broadcast. If he does not use as much it is his own fault.

By Sir Alexander Galt:

Q. How about boarding the men?—A. The owner boards all; he furnishes all supplies. That is my experience. There have been cases where it has been a joint-stock affair; that I know nothing about.

By Mr. Thomson:

Q. The ship boards the men?—A. Yes.

Q. And the owner takes one-half the whole catch?—A. Yes. I believe in a general way the owner does not buy the fish. I believe it is sold in the market to the highest bidder.

Q. Were you engaged in 1854 in an American vessel?—A. I was engaged on a seiner to repair sails.

Q. The vessel had come to Port Daniel?—A. It had come into Bay Chaleurs. I was engaged a few days repairing sails.

Q. They landed for the purpose of having the sails repaired?—A. They took me on board and moved off for the purpose of fishing at the same time. They did not take any fish during my time on board.

Q. Then you had nothing further to do with her in 1854?—A. No.

Q. Do you recollect whether a great number of American vessels were fishing in Bay Chaleurs that year?—A. Should say the number would be from 200 to 300 in 1853.

Q. In 1855 how many were there?—A. I believe 200 or 300, probably in that quarter; probably 600 in the gulf. They told me there were about 600 inside of Canso.

Q. Were you engaged in an American fishing vessel that year?—A. I was not.

Q. Did American fishing vessels fish much in Bay Chaleurs?—A. They did.

Q. Still within the three-mile limits, I suppose?—A. Mostly within three miles.

Q. All mackerel fishers, I suppose?—A. Chiefly; no American cod fishermen came inside except for bait and water.

Q. In 1856, were there many?—A. About the usual number.

Q. You were not engaged yourself?—A. No further than assisting them to make repairs when they came into harbor.

Q. In 1857, what was the number?—A. The same number—about the same.

Q. In 1858?—A. I think on the whole, up to 1860 or 1862, it was about the same thing.

Q. We pass then to 1863.—A. In 1863 I could not say the number, for during a portion of the time I was away from home.

Q. In 1864?—A. The same; I was away from home.

Q. In 1865?—A. The same.

Q. In 1866?—A. The same.

Q. Were you at home in 1867?—A. I was.

Q. Was there more than the usual number that year?—A. There were more than there had been during the last three years to my knowledge.

Q. You had been away during three years?—A. Not out of the bay, but away from my own place.

Q. How many vessels would there be in the bay in 1867?—A. From 300 to 400.

Q. Inside Bay Chaleurs?—A. Yes; I have seen 250 lying at anchor in Port Daniel Bay, and as many more at Paspebiac on the same day. Paspebiac is eighteen miles from Port Daniel on the Canada side. I could not say they were all American vessels. There might be three-fourths American, more or less. At this time Nova Scotia vessels began to increase. There might be one-quarter or one-half Nova Scotia vessels, I could not say positively.

Q. Could you not tell an American fishing-vessel by her rig?—A. Within the last few years the vessels from about Lunenburg and Liverpool have resembled American fishing-vessels very much. They rig the same, and they cruise so much together that, unless you talk with the captains and crews, it is hard to distinguish them from Americans.

Q. In 1867 you say there were a great number of vessels in the bay, but you cannot say how many were Americans?—A. No; I could not say. I have seen 250 vessels lying in Port Daniel Harbor alone, and 25 of them might be Nova Scotia vessels.

Q. And a large number more lying close to Paspebiac?—A. A number more at Paspebiac on the same day, because I came from Paspebiac on the same day.

Q. During that year did they all fish inshore as usual?—A. Most inshore.

Q. Did the cutters trouble them that year?—A. They did.

Q. What did they do?—A. A number of vessels took out licenses that year, if I am not mistaken.

Q. In 1868 how many?—A. Quite a number in 1868; I could not say the exact number. Most of them in 1868 kept down about Gaspé; there were not so many of them at the head of Bay of Chaleurs.

Q. Have you any means of knowing what the average catch was in 1867 and 1868?—A. Only by information received from others.

Q. What did they say the vessels took?—A. About 250 barrels as an average; that is not for the season, it is for a trip.

Q. Did they go more than one trip?—A. A large majority make two trips.

Q. Then what would be the average for the season?—A. That would be 500 barrels for the season. The first trip would be shorter; for the second trip they would occupy longer time in taking a fare.

Q. But they would be better fish?—A. Yes; better fish and more saleable.

Q. What about 1869?—A. Fishermen were beginning to fall off a little.

Q. Why; from the scarcity of fish or the fear of cutters?—A. In our harbor.

Q. Was it from the fear of cutters or because the fish had become scarce?—A. Cutters were still cruising, but most of the vessels had taken out licenses; at least I suppose so.

Q. Was fish as plentiful in 1869?—A. Yes, on our own shore. Our own people found them as plentiful.

Q. They made good catches?—A. Yes.

Q. Do you know the reason why the American vessels did not frequent the bay in as large numbers as previously?—A. They stated to me that they found fish more on the Nova Scotia and Prince Edward Island shores.

Q. It was not necessary then to come so far ?—A. Yes.

Q. What about 1870 ?—A. There was a large number of American vessels on our shores. The catch in a general way was pretty fair.

Q. What would you say was the average ?—A. I can only say from report. When I saw them they were doing pretty well ; they had their usual fare.

Q. About 500 barrels in the season ?—A. Yes ; there were several seiners that season in that quarter.

Q. Was that the first year you had seen seiners there ?—A. I had seen seiners 10 or 15 years before.

Q. When was the first year you remember seeing seiners ?—A. In 1851 and 1852 on the northern coast.

Q. Were the seines used close to the shore ?—A. In 1851 I was in company with a seiner seining inshore at Seven Islands.

Q. Where are Seven Islands ?—A. In the St. Lawrence, on the north side.

Q. Do you mean on the Labrador coast ?—A. Inside of the Bay of Seven Islands.

Q. You did seine-fishing there ?—A. Yes ; with a draught seine ; and a purse seine.

Q. Did you take much fish there ?—A. They take very large catches of fish with it when they can approach the shore.

Q. Do they take the seine to land ?—A. They land the seine.

Q. What was the effect of that kind of seining—did they take more fish than they wanted to keep ?—A. In a general way it is not the case. At that season of the year the fish which come inshore are a large catch of fish. One seine was enough to load two or three vessels, perhaps in a couple of days. They loaded them as fast as the crew could catch them, so much so that the master had loaded his own and another vessel, and would have done more if he had not been driven off by a government cruiser.

Q. In 1871 was the number of vessels fishing in Bay Chaleurs as large as usual ?—A. I only saw one vessel, a seiner.

Q. A purse seiner ?—A. Yes.

Q. Did she take many ?—A. I saw none.

Q. Was that a bad year for fish ?—A. Yes ; we caught no mackerel not even for bait.

Q. How do you account for that ; did the mackerel alter their ways or were they frightened off ?—A. They alter their ways and migrate to other shores ; but the real cause was the frequent seining on the shore. Frequent seining will drive them off or destroy them.

Q. Do you recollect anything about the fishing in 1872 ?—A. In 1872 there was considerable fishing, but I was not connected with fishing that season. I know considerable fish was caught.

Q. How was it in 1873 ?—A. About the same.

Q. Eighteen seventy-four has been spoken of as a good year ?—A. It was generally supposed to be a good year for fish.

Q. How many American vessels would be engaged in it in the year that year ?—A. I could not say. So far as I can recollect they were not so numerous as previously ; not on our shores ; most of them had been driven down.

Q. In 1875 and 1876 mackerel were not so numerous ?—A. In 1875 and 1876 we got none.

Q. How do you account for the mackerel not being there in 1875 and 1876 ?—A. For the same reason as I have given before—too much seining.

Q. You have seen purse-seining going on?—A. Yes. I have assisted them.

Q. Will you state to the Commission what purse-seiners do?—A. When a vessel has a seine and can fall in with a sufficient body of fish they lower two boats. The seine is generally 130 fathoms long by 11 fathoms deep, and is intended to be drawn together at the bottom and also in the center, at the two extreme ends. The seine is furnished with lead sinkers and sinks itself. Consequently, if the fish make a run to the circle, which they invariably do, they cannot get out, and the seine is drawn together, and the fish are captured in that way.

Q. How many fish are captured at one time in a seine?—A. I have seen 180 barrels taken from a seine.

Q. How many barrels would be fish which would not be used?—A. Perhaps one-half of the fish would not be marketable.

Q. A good number of the mackerel would be too small?—A. Yes; that is what I mean; they are not marketable, because they are too small. There will be herring taken with them often.

Q. How do they take fish out of the seine?—A. If the weather permits, they will thrust the seine along side the vessel; if not, they will take the fish out with boats—the seiners' boats are adapted for that purpose.

Q. What kind of boats are they?—A. Something like whale boats, but larger and flatter, and made very buoyant.

Q. Are they flat-bottomed?—A. Not altogether flat, but much flatter than boats generally are. They are intended to carry heavy loads. I would say each boat would carry 25 barrels of fish.

Q. Would they take the fish out of the seine with a dip-net?—A. Yes.

Q. Would they separate them in the dip-net or throw them all into the boat?—A. They separate them on board the vessel.

Q. Those fish which are not marketable they throw overboard, I presume?—A. They are thrown overboard if there is no stranger along-side to get them. They would not destroy them if they had an opportunity to give them to people who would take them.

Q. That is a regular occurrence?—A. Yes. They can make no use of them, except for bait. They sometimes grind them for bait. Frequently they will be a long time before they will get a catch with a line. Most of the seiners are also prepared to take the fish with lines, and they have also another mode of seining. A vessel will sometimes come to anchor and get a large quantity of mackerel about her.

Q. They throw bait out to get the mackerel round them?—A. Yes. There may be a heavy body of mackerel round, but they may not bite. They will sweep a seine around the vessel, if the weather admits of it, to enclose a large school of mackerel, allowing a sufficient extent of the seine for the vessel to drift out of it. Then they will close up the end. They will not lose 25 per cent. of the whole fish.

Q. When the fish are taken, those not marketable are thrown overboard?—A. They are invariably thrown overboard.

Q. They will undoubtedly be dead?—A. Yes; mackerel die quickly.

Q. Suppose a seine took 500 barrels at one haul, how many would not be marketable?—A. It is possible the whole might be.

Q. It would be exceptional if the whole were marketable?—A. It is generally the case, but it is possible they might be. I am not an experienced seiner, but I speak from what I have seen.

Q. What proportion of the catch would be thrown away as useless?—A. One-fourth at least.

Q. What effect has that on the fishing?—A. It would be injurious to

all kinds of fish. If you destroy the young fish it is like cutting down the young forest.

Q. In 1875 and '76 were purse-seines used?—A. Yes.

Q. What would have been the result of purse-seining if continued two or three years more?—A. It would ruin the fishing-grounds altogether for a number of years.

Q. By the Treaty of Washington Canadian fishermen have the right to enter American waters to fish. Do you estimate that as a great boon?—A. I have yet to hear that any Canadian vessel ever went there to fish. I don't refer to Nova Scotia vessels. I never knew of a Canadian vessel going there.

Q. Do you attach any value to that?—A. None whatever to us.

Q. You have fish at your own doors?—A. Yes.

Q. In regard to the right of transshipment, have you heard any American captains speak of the value of that right?—A. I have heard American captains say it would save during the season one trip; they would be enabled to make three trips provided they had the right of transshipment. I am positive of that, because Captain Watson, before the Reciprocity Treaty was in force, transshipped at Arichat, otherwise he would have been obliged to have gone to Gloucester, and he would not have been able to fit up again. He told me in the following spring it was a great advantage being able to transship. I don't know how the law was at that time.

Q. Does not the right of transshipment, besides gaining another trip, enable the vessels to take advantage of a rising market?—A. Yes; particularly since the telegraph is in operation and the Intercolonial Railway. Some few years ago when American fishermen came to our port they complained that they could not get news from home for two, three or four weeks. Two days before I left home a seiner came and went to the telegraph-office, telegraphed to the owners, and received, in a few hours, his instructions from Salem.

Q. The fish promise to be plentiful this year on your coast?—A. Yes.

Q. One seiner, you say, has already come in?—A. Yes.

Q. When you left home it was early for mackerel fishers to make their appearance?—A. Not earlier than in some previous years. They are to come about 1st July.

Q. You left home about the commencement of the season?—A. He said he had then 250 barrels on board.

Q. How large was the schooner?—A. A schooner between 90 and 100 tons.

Q. How many barrels would she carry?—A. He said she would carry 400 barrels.

Q. He commenced fishing in Bay Chaleurs then?—A. He did not say he had caught them in Bay Chaleurs.

Q. Had he commenced fishing there?—A. He said he had caught them between Miscou and Escuminac, on the New Brunswick coast. He did not say whether inshore or outside.

Q. Suppose the American schooners were kept outside the three-mile limit, do you think they would prosecute mackerel fishing at all?—A. They might for a short time; but in a very short time they would be obliged to keep outside the three-mile limit.

Q. Where would they get their fares?—A. They might, for a few weeks; it is possible the mackerel might play off shore. But I don't think they would get fares. I believe it would be ruinous for any party to go into the business if not allowed to come inshore to fish. I don't think it could be carried on.

Q. Even if the right to go inshore at the Magdalen Islands was given, but the American vessels were excluded from our other inshore fisheries, do you think any prudent man would conduct the business at all?—A. Many of the captains state it is difficult enough as it is, and be allowed to fish inshore along the whole coast. If that is the case, I don't know what they would be able to do:

Q. What do the Americans themselves say about the privilege of fishing inshore?—A. They say it is one of the most essential privileges they can obtain.

Q. Did you ever hear a single man say it was not so?—A. Not of the fishermen; not of the masters of vessels or of any of the crews.

Q. They all say it is absolutely essential?—A. Yes.

Q. Suppose they were excluded altogether, and the inshore fisheries were reserved entirely for Canadians, would you be better off than with a free market in the United States? Suppose the Americans were kept out, what would be the effect on Canadians?—A. Our fishing ground would be protected and our fish would increase. In a short time our people would enter into the business themselves; and as for the market, the consumers must have them and would buy them.

Q. Suppose the Americans were kept altogether out of the inshore fisheries, and the United States imposed a duty of \$2 or \$3 per barrel, would you be better or worse off?—A. Better off, for the consumers would pay the duties, if levied.

Q. You would be quite ready to assent to that?—A. I would be quite satisfied myself.

Q. Is that the opinion generally?—A. That is the opinion generally. I represent the opinion of my neighbors; all those engaged in fishing.

Q. You are a magistrate there?—A. I am a justice of the peace.

Q. You are a prominent man there, and you say you represent the general opinion?—A. I represent the general opinion. I would not have been here, except that it was the wish of my neighbors that I should come.

Q. It was at the request of your neighbors, and to represent their unanimous opinion, that you came?—A. Decidedly so.

Q. How do the American fishermen behave on your coast?—A. In a general way, as far as the Americans themselves are concerned, I find them sociable, friendly, and courteous, but their vessels are manned by crews of all nationalities. The American colors cover many characters, and there are a great many depredations, and very serious ones, committed by men on board of American vessels; but I never had cause to bring a charge against any American.

Q. But to the lawless acts of the crews you do object?—A. There are many instances of rascally conduct on our shores. They have often torn up bridges on our highways and barred them. They have also abducted young women.

Q. Do they tear up the bridges to prevent pursuit?—A. They tear up the bridges and barricade them from actual mischief and no other purpose.

Q. In regard to the cod fishing carried on by Americans, they have come to our shores for bait?—A. Yes.

Q. Could they carry on the business of cod-fishing without the privilege of coming to our shores for bait?—A. It is possible they might do so, but they would be at a very great expense. It would be a great disadvantage to any American fisherman to carry on the cod-fishing on our coasts without being able to come in for bait.

Q. The bait for cod must be fresh?—A. Yes.

Q. And the bait for mackerel is salt?—A. Yes; but sometimes fresh bait will do.

Q. In your judgment, they cannot get along with cod-fishing without fresh bait, and they cannot obtain that without the privilege of entering Canadian shores for it?—A. Yes; or running back a long distance.

Q. That would be a loss of time?—A. Yes.

Q. You spoke yesterday of the proportion of the catch outside; what would the catch outside amount to as compared with that inside the limits?—A. As far as my experience goes, from one-sixth to one-eighth might be caught outside, but not more. As I before stated, the heaviest catch that I have known was taken outside; that was in one of our bays, and that was an isolated case.

Q. That was taken in a bay; you never knew such a catch made outside in the gulf?—A. No.

By Mr. Dana:

Q. At the early part of the season, you say, you catch cod suitable for the market inshore, but as the season advances the fish begin to move out into deep water and sometimes run for other kinds of bait. About what time is it that the codfish move out?—A. At different times different baits come in. It might be that the first fish which approach shore might remain a fortnight or three weeks and then move off shore again for other bait. That is, the fish would approach perhaps on June, and they might remain till July; some time in July, perhaps 5th or 6th, then that bait would be gone. They would not follow the bait, but move off shore, perhaps, for a while, and then approach again and take other bait.

Q. There are always some codfish inside?—A. At the latter part of July and August the fish are not close inshore. They are perhaps three or four miles off as a general thing, but not for a long time, only perhaps a few days, and then are inshore again.

Q. And then out again?—A. No; they remain then for a length of time inshore. That is, with the exception of the fish on the outer bank they don't come inshore, but remain there.

Q. Do you mean the banks off the coast?—A. Banks Bradley and Phantom.

Q. These fish that are in the habit of coming in, they come in?—A. They never remain off shore more than two or three days at a time.

Q. Some stay for a length of time?—A. A great deal longer inshore than off shore, because they must have bait, and they will come in for the bait. Take Bay Chaleurs. There there are seasons when the fishing is best in the center of the bay.

Q. What seasons are those?—A. Late in the fall, late in September, October, and November. It is best then.

Q. Have you ever followed mackerel fishing in autumn beyond your own coast?—A. Not beyond our own coast, except in one instance when I fished on the coast of Nova Scotia.

Q. You never followed them beyond British waters?—A. No.

Q. You could say nothing as to the condition, quantity, and value of mackerel in American waters, after they leave here?—A. I have seen mackerel brought into market on the American coast.

Q. Late in autumn?—A. Late in the fall.

Q. You have said a good deal about offal; do you refer principally to offal thrown overboard by cod fishers or by mackerel fishers?—A. By cod fishers.

Q. To one more than to another?—A. We will speak of the mackerel fishing, if you please. If mackerel are taken in large quantities

to the shore, and vessels are lying at anchor, and they heave large quantities of offal overboard, it is decidedly injurious to our fisheries.

Q. I understood you to say that you could smell it two miles at sea ?
—A. I think not.

Q. The evidence reads one or two miles.—A. I might have said one or two miles. I recollect something of that; but I might venture to say one mile at least.

Q. Then you would not swear that you could smell it two miles distant?—A. Not two miles.

Q. Are you willing to let it stand as printed in the record, "for one or two miles"?—A. No; one mile.

Q. What time of the year could you smell that one mile away?—A. July and August.

Q. In the following spring?—A. It would not continue there at that time. The tide, ice, and snow would have carried it off before that.

Q. You said that the offal thrown overboard would be injurious to mackerel fry?—A. I say still it will injure the fry.

Q. But you would not say you could smell it one mile off after a strong tide?—A. Not after a heavy tide.

Q. Not after it had been frozen up for seven months?—A. No.

Q. Still you think it would be there?—A. It would have done all the injury to the fry before that.

Q. Do you think the offal would have passed away?—A. It would have passed away in six or seven months, but not early enough to have protected the young fry. The fry would be amongst it at that time.

Q. How many weeks or months after coming to life are they called fry?—A. They are fry till they are two or three inches long.

Q. How long will they take to attain that length?—A. Half of the summer season.

Q. You think the effect of the offal would last during the summer season?—A. Half the summer season, because it would wash into the mud, and it is washing backwards and forwards all the time. It would be affected by the salt sea sand, but not sufficiently in a short time to prevent injury being done.

Q. You have investigated the subject?—A. I have examined the subject to a certain extent.

Q. How do you know, if the fish do not grow well, strong, and fat, that it is owing to the offal?—A. If I am drawing a seine in shore, where all fish are abundant, and I take a quantity of fish which are half dead and not able to exert themselves, I consider these fish are sick.

Q. Now you want a diagnosis, an examination of the fish, to ascertain what is the cause of the sickness; how do you do that?—A. I am giving my opinion on oath. My opinion is that this sickness is caused by offal thrown overboard at these places.

Q. Some of the fish might have been taken in seines, and not quite dead, but left in an imperfect state?—A. I assure you that small fish of that description once seined will never be seined again.

Q. You mean they cannot live?—A. They will not be found alive.

Q. Is there any other cause for sickness among fish except offal?—A. There probably may be, but I am not aware of any on our shores.

Q. You have heard no other cause of sickness talked about except offal?—A. I have heard other causes mentioned in regard to southern waters up rivers, but as regards the ocean such is not the case.

Q. When you come into shallow water and find all sorts of fish, good, bad, and indifferent, you attribute the indifferent fish to the fact that some time before there had been some offal thrown overboard?—A. If

a heavy slide takes place from the banks of one of our large rivers, where fish are abundant, it is injurious to them.

Q. To their health?—A. Yes; it impregnates the water and makes it unwholesome for the fish, and they will die.

Q. Do you think fish are ever mistaken about their food and get food of a kind injurious to them?—A. I don't think fish do. They take different baits; but I don't know that they ever take anything foreign.

Q. May they not take a certain kind of bait too late? There are seasons in bait?—A. Yes.

Q. Do not boys get sick from eating green melons?—A. The cases are not the same. The ox eats hay, the horse eats oats, but you don't see an animal eat fruit that is not wholesome. You don't find that with animals or fishes.

Q. Is it your theory, and you can find no other cause for the sickness of fish except the fact of offal having been thrown overboard?—A. I don't mean to say that there is no other cause, for I am not sufficiently posted in science and natural history on the matter. I think offal does the injury. I have sworn to that, and I think so still.

Q. Have you heard that opinion generally expressed by the fishermen of your neighborhood?—A. I have heard it expressed for many years.

Q. Perhaps stronger during the last two or three years?—A. We on our shore are prohibited, and the penalty is a heavy fine, from throwing offal into our rivers, or waters, or ocean.

Q. What do your big vessels do?—A. I mean the fishermen on our shores.

Q. You have some schooners?—A. I am not aware of any; there are schooners fishing on banks.

Q. Take the schooners owned in Prince Edward Island—forty of them?—A. I have nothing to do with them. There are a number of lobster establishments round the coast which pay \$1 per barrel for cod heads for bait; and they may take them there.

Q. Do you think vessels of 70 tons would bring in the offal daily?—A. I don't suppose so. I say lobster establishments pay \$1 per barrel for cod's heads for bait for lobsters, and the vessels may be prepared to take them there and get that amount, which would buy their salt.

Q. We have been told there are 40 schooners of 60 tons each at Prince Edward Island engaged in the fishing business?—A. Yes.

Q. Have you the least idea that they go to shore every day to get rid of their offal?—A. They might fish 30 or 50 miles from land and that would alter the case. We are not supposing that mackerel fry or cod fry are outside 40 or 50 miles. I never knew it. I know that mackerel spawn float; at the same time they go into the sand again.

Q. When you say you are forbidden, do you mean beyond three miles of the shore?—A. If it is known by our fishery overseer that any fishing-boats along our shore heave offal overboard, they would be fined.

Q. They keep within three miles of the shore?—A. They sometimes go beyond.

Q. Is it not a rare thing?—A. Not in the fall.

Q. What do they go to fish in the fall?—A. They go four or five miles out late in the fall.

Q. What for?—A. They get better fish—codfish.

Q. Do you know if the Prince Edward Island men ever do that?—A. I don't know anything about the island fishing.

Q. Don't you think during the excitement of this pending question that you stated this offal matter pretty strongly?—A. I only stated what is the general opinion along our whole coast.

Q. That has been fostered?—A. That has been so understood for years, because I state to you that the government has prohibited the heaving of offal overboard near the shores. I have not stated that the Americans or any other parties have heaved offal overboard outside at a great distance. I have stated that they have heaved it within our shores, and that this is injurious to fishing.

Q. The only offal you speak of is that thrown within three miles of the shore?—A. On the Banks I have heard fishermen say it was injurious to the fishing.

Q. How deep was the water?—A. From 11 to 13 fathoms.

Q. Did the offal sink to the bottom?—A. I suppose so.

Q. Notwithstanding the set of the sea over it and the commotion below the surface, the offal remains, and is injurious, there?—A. I do not think it causes an effluvia, but I think that fish glut themselves on it to the injury of the fishermen.

Q. The fish eat it?—A. Undoubtedly they do—that is, codfish.

Q. How does that agree with your theory that fish do not make mistakes about their food?—A. Cod will eat a piece of themselves when it is fresh.

Q. It is kept in barrels for some little time. I think you said yesterday that codfish eat the offal?—A. I say so now.

Q. Does it not make them sick?—A. I don't know but that it does. Anything that gluts itself will become sick.

Q. They eat the offal?—A. They may eat the offal, but not any other foreign substance.

Q. You don't know that they eat the offal?—A. Yes. I have caught fish with portions of offal in them.

Q. Were they sick?—A. No, I could not say they were.

Q. What was the first general bad year for mackerel?—A. 1864-'65, I believe.

Q. It was a very bad year, was it?—A. It might not have been a bad year generally for the mackerel fleet at large; it was so in our quarter.

Q. To what do you attribute that?—A. I believe in 1865-'66 the mackerel were scarcer than they had been for some time; at the same time they were a large quality and splendid fish.

Q. To what do you attribute the absence of fish in your part of the Dominion that year?—A. To the excessive seining that had taken place on our shores.

Q. Prior to 1866. Do you mean purse-seining?—A. Yes.

Q. Do you mean on your coast or on the American coast?—A. On our coast.

Q. You don't mean that the fish were intercepted?—A. I mean that the Americans seined them there.

Q. In your waters?—A. Yes.

Q. You think that produced a short catch of fish on your coast that year?—A. Yes.

Q. Were many American vessels there that year?—A. Not so many as usual, but more seiners.

Q. Why were others not there? Do you suppose they got intelligence about the scarcity of fish, and so few vessels went up?—A. They probably found the fish otherwise and took them with lines. You will find they can get them with lines sometimes when they cannot with seines.

Q. American vessels did not come to your coasts?—A. Some few did.

Q. So the absence of the American fishermen as a main thing was contemporaneous with the absence of the fish; how do you account for

that?—A. It is generally supposed that when the fish are not on the ground some portion of the fleet is aware of it, so that the fleet will not rush on the ground where the fish is scarce.

Q. Do your people go mackerel-fishing much?—A. Not to any extent.

Q. How was the cod-catch that year?—A. About the same as usual.

Q. In cod-fishing have you good and bad years, or is it about an average every year?—A. This year is an exception. We have the best fishing this year we have had for twenty-five years.

Q. In cod?—A. Yes; and mackerel are more abundant than for the last two years.

Q. Did you see many American mackerel-fishing vessels last year?—A. I saw one only.

Q. In 1875?—A. Some few.

Q. In 1874?—A. They were pretty well on the coast in 1874.

Q. Was 1874 a good year for fish?—A. Probably, but I could not exactly speak of 1874 as being a prolific year for fish.

Q. What do you say of 1873-'72?—A. Pretty fair.

Q. To what do you attribute this change which has been going on? I suppose it has always been that mackerel will be abundant on your coast one year and scarce another year, and there are a good many causes to which to attribute it?—A. If you will allow me to explain. My early experience with mackerel on our coast was this: they were that abundant that men and women and children, as young as 5 and 6 years, were out catching mackerel; and these young people would take all the way from 150 to 300 in the course of a couple of hours. That was through the whole season; since the Americans have frequented our coasts in such large numbers such a thing as going out to catch mackerel in that way is not known. We have no doubt, and I have no doubt, the large catches of such a number of foreign vessels and the seining are the cause, and only cause, of the deterioration in the value of our fisheries.

Q. Now, of course, if the fishermen multiply so fast that you have such a large fleet, all doing their utmost to catch fish, that that must diminish the amount of the fisheries irrespective of the seining?—A. Not so much as the seining. The seining would be the principal cause of the diminution.

Q. Now it does not make any difference what nationality the people are who go to increase the fleet five hundred or six hundred—that is the number of fishermen, is it not?—A. I do not know of any other nationality except our own and the Americans that go there.

Q. Well, it does not make any difference if any people come there having the right to fish or exercise the right without having it, the same effect would be produced, provided they were equally skillful and well equipped?—A. I am not aware that any other nationality has a right except the Americans.

Q. Well, the effect would be the same if any other people came in such number, as well equipped, as well supplied with bait, and as skillful? Now, what you want is to have the monopoly for your boats?—A. Yes, very naturally we would require to do so; that is my wish.

Q. Don't you think it was an error in Her Majesty's Government to allow vessels to come there from the United States?—A. With regard to Her Majesty's Government it would be presumptuous in me to attempt to criticise what Her Majesty's Government would do.

Q. That is not half so difficult as to find out the cause of the sickness of the fish?—A. I think it would be a very strange idea for me to attempt to criticise Her Majesty's Government with regard to national

treaties. Whatever treaties she chooses to enter into, I think we, as loyal subjects, are bound to abide by them. At the same time we are bound to protect our own rights as far as is consistent with this treaty.

Q. You are a free citizen and have a vote, and it is a part of your duty to know what is good and to have an opinion just as we do on our side of the border. You are just as free as we are. You have a right to have an opinion. There is no reason why a man should be ashamed or afraid to have an opinion. I mean to ask if it is not your opinion, if it is not the opinion generally of your people, that it was a mistake and an injustice to give to the fishermen of the United States the right to come to these inshore fisheries?—A. Perhaps Her Majesty's Government were under the impression that they would obtain an equivalent for that.

Q. Well, that was to be in free trade, was it not?—A. In free trade.

Q. Was not that what you wanted?—A. I am not aware that the Canadian Government is very anxious to have free trade.

Q. You don't think your people are? You come here to represent them as a leading man, we are told. Well, the equivalent you expect and desire is freedom of trade, is it not?—A. Well, to give you an idea how anxious we are for free trade, we had a sample for some few years, and I do not know that one individual in our portion of the Dominion gained one cent by that; because the only thing that I saw that could be purchased cheaper was liquor; consequently, there were a great many more drunken people.

Q. Now, with reference to free trade, your impression is that it would, considering the liquor and everything, be rather injurious to your people?—A. Well, you mean to ask me if free trade would be an indemnity?

Q. No, I am not asking you that now. I want you to keep that out of your mind, as that might give you a bias. But do you think, from your experience, that free trade or reciprocity would be, on the whole, injurious?—A. No, I do not think so. I say that free trade would do very well; but not a one-sided free trade.

Q. Well, take the free trade there was between 1854 and 1866; was that injurious to your people?—A. It benefited us nothing.

Q. And it did you a good deal of moral injury?—A. I cannot say for the moral injury.

Q. Well, the rum?—A. I say that is the only article that could be obtained cheaper.

Q. But you also said that there was more drunkenness?—A. That was the case.

Q. Then you experienced a great deal of injury and no good. In what form did you want compensation to come—in money?—A. I do not think any money could be an indemnity for the right to these fisheries.

Q. But if you wanted indemnity at all for it, in what form would you have it? You do not want it in free trade?—A. I would rather have no indemnity, but let them leave the fish alone.

Q. Therefore you are opposed to the treaty?—A. I am personally opposed to the treaty; understand, myself only.

Q. Well, the people you represent, and who asked you to come here, do they feel as you do?—A. They do; that is their feeling, and they say so.

Q. But as long as there is money to be paid, you have no objection to taking it?—A. O, hand over. If there is money to be obtained, let us have it.

Q. Has that subject been agitated among the people?—A. It has been talked over very frequently.

Q. Have there been political meetings?—A. No.

Q. But from private conversation you understand that?—A. Yes; that is what our merchants and fishermen think.

Q. And they have requested persons to come here and represent their views?—A. They did not request me in the first instance to come here, but when I was called upon by the proper authorities to know if I would come here, they requested me to come.

Q. Whom do you mean when you say “they” requested you?—A. My neighbors.

Q. But you were first requested by the proper authorities?—A. Yes; I was requested by the proper authorities to come here.

Q. Then your neighbors assented to that?—A. Yes. Well, there might be some that did not. I do not say all.

Q. O, no; there is rarely unanimity.—A. There might be parties there opposed to my coming.

Q. There might be parties that differed from you in opinion?—A. There might be parties that differed from me, politically only.

Q. Well, in the provinces that is everything, is it not?—A. It has a great deal to do sometimes.

Q. You said something about the vessels that came in under the American flag. What nationality are these people? You say there are not many Americans.—A. No; I said there were a great many vessels in which parts of the crew were aliens—some Swedes, some Portuguese, some English, Irish, and Scotch. There may be also some Nova Scotians.

Q. Many?—A. I have seen them commanding vessels that sailed under the American flag.

Q. What, poisoning your waters, &c.?—A. Well, they assist.

Q. Well, many of these that commit these great crimes that you have spoken of, how do you know whether they are Americans or not?—A. I do not say whether they are not; I said I did not blame the Americans for that.

Q. That is, that you do not blame the Americans as a people?—A. Well, it is generally supposed that the flag covers the goods.

Q. Well, you say that there are foreigners in those vessels who do not speak the English tongue?—A. Yes; but that is not always the case.

Q. There are some from the provinces, and some from England, Ireland, and Scotland?—A. Yes.

Q. And there are some from Sweden, and also Baltic men?—A. Yes.

Q. Then there are some Portuguese who constitute parts of these crews?—A. Yes, sir.

Q. And you have no vessels of anything like similar size from your part?—A. No; we have no vessels of our own from that quarter; but I myself am able, if I associate with a crew of men of distinct nationalities, to tell that they are such.

Q. Well, you can distinguish the Portuguese, or men from the Baltic or Germany, from Englishmen?—A. Well, I can also distinguish an American from a colonist.

Q. That is when you hear him talking, but at a distance; for instance, if a man is running away from a magistrate, you cannot tell by his running?—A. I should say not.

By Hon. Mr. Kellogg:

Q. In Gaspé Bay and Bay Chaleurs, how far out does it freeze?—A. In Gaspé Bay it freezes solid across.

Q. How far beyond?—A. I think no further; I think it is drift-ice beyond that.

Q. Does Bay Chaleurs freeze across?—A. No; it is drift-ice. I suppose the ice might enter into Bay Chaleurs from the north.

Q. At what time did you come to that country?—A. In 1846.

Q. When did the great mackerel-fishing begin?—A. With the Americans, about 35 or 36 years ago; I have seen American vessels and American fishermen, more or less, since I have been in the country.

By Mr. Thomson:

Q. In speaking of the Reciprocity Treaty you say it did you no good in your neighborhood; that is all you speak of?—A. Yes; that is all—my neighborhood alone.

Q. Now, in reference to this offal, you say you could smell it a mile away?—A. Yes.

Q. I wish to ask you whether, in the neighborhood of the shore near where that offal has been thrown, it has come under your observation that typhoid fever has prevailed among the inhabitants?—A. Well, there have been fevers along the shore in many places; but, unfortunately, we are not well supplied with physicians, and I am not competent to state what is the cause.

Q. Well, fevers, at all events, have prevailed?—A. Yes; last year they prevailed.

Q. In the neighborhood of where this offal is thrown out?—A. Yes; in the neighborhood where the offal has been thrown out. Last year that was the case, and two years ago.

Q. Would you smell it on shore as well as seaward?—A. Decidedly so.

Q. I think that you stated to me that the Americans themselves agreed that it was injurious?—A. Yes.

Q. Have you spoken to them about it?—A. Yes; frequently.

Q. What do they say?—A. They say it is not their affair; that they would kill the goose that laid the golden egg for the sake of the present profit.

Q. Do they say that with reference to seining as well?—A. Yes.

Q. You remonstrated with reference to both?—A. Yes. In one instance, a Captain Smith, a man from Truro, was commanding a vessel from Salem. I remonstrated with him on those subjects. He said, "That is not my affair at all; my business is fishing; I would kill the goose that laid the golden egg for present profit." That was his very expression.

Q. That is, in your judgment, what they are doing?—A. Yes. Captain Henry Smith, that was the man's name.

Q. Is there not another evil effect from this offal when it goes down? Does it not kill those small shell-fish upon which the cod-fish and mackerel feed?—A. What kind of fish do you allude to?

Q. Well, the brit and the shrimp—both. A. The brit is not a shell-fish. I take it to be a marine insect. It is sometimes in great bunches, and when the sea becomes very high it will rise from the bottom.

Q. That is injured by the offal, is it not?—A. Undoubtedly so.

Q. You say, that probably Her Majesty's Government expected to get an indemnity when they allowed such a valuable privilege to be given over, and in your opinion no money-indemnity could compensate for the concession?—A. Yes; in my opinion it is too valuable.

By Sir Alexander Galt:

Q. When you speak of free trade do you refer to the Reciprocity Treaty or to the time when the port of Gaspé was a free port?—A. The port of Gaspé, if I understand aright, was a free port a very short time. It was

merely for a short time to enable the government to arrange their affairs for general free trade into the Bay of Chaleurs.

Q. But did you refer in your reply to the absolute free trade which exists in Gaspé?—A. I refer to the free trade that existed in the district of Gaspé; in the whole extent of the district of Gaspe.

By Mr. Dana :

Q. Do you refer to the period from '54 to '67?—A. Yes.

By Sir Alexander Galt :

Q. How long was there a free port at Gaspé?—A. It existed, I believe, throughout the whole time of free trade. But it was the free port of the whole district in the first instance, and then there was a modification.

Q. Do you recollect when it was declared a free port?—A. Yes; I recollect.

By Mr. Dana :

Q. I understand you to say that during the period of time that you had free trade it was no advantage to you?—A. No.

Q. That was about from the year 1854 to the termination of the Reciprocity Treaty?—A. Well, you know I have nothing to say with regard to the intention of the government. The part our government took was right enough, but circumstances made it difficult for us to obtain advantages.

Q. The time that you say you got no advantage was during the period of the Reciprocity Treaty?—A. I have already stated that we received no benefit to the best of my knowledge.

By Mr. Thomson :

Q. In point of fact you have nothing to export except fish from the district of Gaspé?—A. Just so.

Q. Well, if the Americans came in and destroyed your fish you might well say it was no good?—A. . . .

By Mr. Foster :

Q. Where is the Truro to which you refer when you speak of it in connection with a Captain Smith?—A. Truro, Nova Scotia. He told me that was his native place. The man is a very worthy man so far as I know anything about him. I merely state facts. I have been very nicely used by the gentleman. I am not speaking anything derogatory to him. I am not going to exonerate myself, should I be placed in the same position. I might do the same as he did myself if I had to make a living for my family in that way.

No. 12.

PHILIP VIBERT, of Perce, in the county of Gaspé, general commission agent and agent for Lloyds, in the county of Gaspé, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre :

Question. Where do you live?—Answer. At Perce, close to Mal I.

Q. Your age?—A. 72.

Q. How long have you been living in the county of Gaspé?—A. In the district of Gaspé I have been living upwards of 32 years.

Q. The most of the time have you been at Perce?—A. No; e

greater part of the time, more than half, I was residing at New Carlisle, in the township of Bonaventure.

Q. Is it on the sea-shore?—A. Yes.

Q. And Perce also?—A. Yes. Perce is one of the leading fishing-stations on the coast. In fact, it is the head fishing-station.

Q. I think the Secretary has entered your occupation, but it has not been heard by the Commission?—A. It is that of general commission agent and insurance agent. I am also agent for Lloyds, the great insurance company of London.

Q. I think you have filled some public office at Perce?—A. I have held the office of high sheriff of the county.

Q. When did you begin to pay any attention to the fisheries of your neighborhood?—A. I came out for the express purpose, in 1845, of looking after the fisheries. I came out as chief superintendent of the Gaspé Fishery and Coal-Mining Company. Consequently, from that period to the present time, if not actually concerned in them, I have at least been always watching over and attending to the fisheries, because, I believe, I can say that no man has paid more attention to them than I have.

Q. Was that an English company?—A. It was a company formed in London with a capital of £150,000 sterling.

Q. Have you ever had occasion not only to observe but to write your observation of the fisheries?—A. I have. I have written for a long time, and what I have written has appeared in the English and Scotch papers, more particularly at the time previously to the time of the treaty, when the men-of-war were on the station.

Q. Have you ever been engaged yourself or as agent of that English company in the fisheries?—A. As agent I have, but not myself personally. As agent I have been always more or less engaged.

Q. In what kind of fisheries have you been engaged?—A. In all kinds, but more particularly in cod-fishing.

Q. Well, is the cod-fishing carried on to any extent in that part of the gulf?—A. Undoubtedly. Charles Robin & Co. have their head station at Perce. They are the largest fishing concern, perhaps, I may say, almost in British North America.

Q. Do any other people trade in fish extensively in your district?—A. A great many.

Q. Who are they?—A. Well, besides Charles Robin & Co., there are the LeBoutillier Brothers, also John LeBoutillier & Co., Messrs. J. & E. Collas, Hyman, and others. I have a memorandum. I will read them. (Reads from memorandum as follows:) Charles Robin & Co., LeBoutillier Bros., J. & E. Collas, John LeBoutillier & Co., Horatio LeBoutillier, Thos. Savage, John Fauvel, Jas. Alexander, John LeGresley, Wm. Fruing & Co., Wm. Hyman, Michel LeEsperance, T. J. LaMontagne, Blowin Bros., H. & S. Veit, Robert Lindsay, C. Hamilton & Co. There are a great many others beside these, but those I have mentioned are houses that ship fish; that send fish to foreign markets. There are a great many others besides these engaged on a pretty large scale, but they do not ship themselves.

Q. They sell to those parties?—A. Yes.

Q. What are the markets with which these parties are connected? Is it the United States or some other?—A. Spain, Portugal, and particularly Brazil.

Q. Do they ship much to the United States?—A. Nothing. The only fish I have known shipped to the United States during the thirty-

two years I have been on the coast has been herring—salt herring. I am not aware of any other being sent there.

Q. Well, where are these parties located; they are not all at Percé!—No; all along the coast.

Q. To what extent of the coast?—A. You might indicate on the map behind you the extent of the shore on which these establishments are founded or exist?—A. (Pointing to the map.) The whole of Bay Chaleurs, along the shore, and up the Saint Lawrence as far as the fishery extends.

Q. How far is that?—A. I should say up to the Saguenay. I don't think there is any farther point.

Q. That is on the north shore; what point on the south shore?—A. Up to Rivière de Loup. I believe that is about the extent, to the best of my knowledge, of the operations of those houses up that way.

Q. Are some of those houses located on the north shore, or are they all on the south shore?—A. They have establishments on the north shore all the way up to the Strait of Belle Isle, but the principals generally reside on the south shore.

Q. Can you give us the names of the places on the north shore where these houses you have mentioned have establishments?—A. They are as follows:

Fraser & Halliday, John and Elias Collis, Moisie; Thomas Vibert, Shallop River; John LeGros, Le Gros Cove; Joseph Ferguson, Mabe Cove; John and Elias Collas, Philip Tousel, James Alexander, — Ferguson, Sheldrake River; P. Couture, Duck Creek; Joseph Couture, Couture's Cove; LeBoutillier Bros., Thunder River; J. & D. Beck, Judge Benouf, Jupitagen Ridge Point; LeBoutillier Bros., C. Robin & Co., Charles Jean, Rambler's Cove or Magpie; C. Robin & Co., J. & E. Collas, Clarence Hamilton & Co., Simeon Mabe & Co., James Beck, Servis & Boulanger, St. John's River; C. Hamilton & Co., John Favet, John Vibert, Peter Douguay & Son, Long Point or Sand Point; Le Boutillier Bros., Esquimaux Point; C. Robin & Co., Natashquan; C. Robin & Co., Le Doeque. That makes thirty establishments on the north shore. All of them, with two exceptions, are Jerseymen.

Q. Are you not yourself a Jerseyman?—A. I am.

Q. Were you connected in any shape with the fisheries before coming to this country?—A. I was.

Q. So you began early in life to be connected with the fisheries?—A. I began immediately after leaving the sea. My first entry into life was as a sailor. I have been at sea five and a half years. After that I went into business.

Q. What business?—A. Commission business, first of all, in Jersey. On my brother going out to Rio de Janeiro to establish business there, I then entered into the fishing business, buying fish, so as to ship it to him at Rio de Janeiro.

Q. You told us, I think, that all those houses engaged in the fisheries along the south and north shores were dealing with all kinds of fish?—A. Yes; but particularly codfish.

Q. They are at a considerable distance from Newfoundland?—A. We have nothing whatever to do with Newfoundland, nothing whatever. We are distinct as regards fisheries as if we did not belong to England at all; as distinct as they were part of a foreign nation, comparatively speaking.

Q. Of all these houses is there none dealing with Newfoundland?—A. Not one.

Q. Then all the codfish are taken within the Gulf of Saint Lawrence?

—A. Undoubtedly.

Q. Now, have you any knowledge, from your personal observation or from conversation (not recently, but during the whole course of your experience), where the codfish is generally taken in the gulf?—A. By far the greater portion of the codfish is taken along the shore. A very considerable portion is likewise taken on the banks.

Q. Which banks?—A. For instance, Miscon Banks and others outside—distant from the shore. The great bulk is within the three-mile limit.

Q. Well, if you were called upon to give an appropriate statement of the proportion taken inshore, within three miles and outside, what proportion would you put in either division?—A. That is, what proportion is caught outside and inside?

Q. Yes; of the whole quantity that is dealt with by these houses.—A. Two-thirds are caught inside and one-third outside. I will say that is about it. It is impossible to say exactly.

Q. In regard to mackerel, where is the mackerel generally caught?—A. As far as I am aware of, it is in the gulf; but principally close to the shore.

Q. If the same question were put to you what proportion is taken in any part of the bays and what the proportion would be of those caught outside, what would you say?—A. As far as my knowledge of the fishery goes, from close observation (for I have always paid great attention to the fisheries), I should say decidedly two-thirds of the mackerel are caught within the three-mile limit. Because there is also another thing that must be taken into consideration, which is this: The great mackerel fishers are the Americans, and when the three-mile limit existed they used to come within the three-mile limit and feed the fish and take them outside and then catch them. When our people had been for a few days or a week catching fish for bait and doing a little—having, perhaps, a few barrels—an American schooner would come along and pass in between Bonaventure Island and the mainland and strew the bait there and away they would go off, and you would never see a mackerel there again that season.

Q. That is for some time?—A. I have known when it was late in the season that you would never see a mackerel there again. They take them all out. Every fish went out.

Q. Well, have the Americans, during the period of your experience, been in the habit of frequenting the parts of the gulf where you live?—A. Decidedly so.

Q. Could you give an estimate of the number of American vessels that came in, either from your own observation or from conversation?—

A. Of late years very few have come, but I have seen as many as 200 or 300 in sight at one time. I have, not more than four or five years ago, I think, counted 167 from my house in the offing, which I took to be Americans, for this reason: that, generally speaking, they are more tidy, if I may so express myself; they are better looking vessels, and their sails are so white, compared with the British fishermen, that they can be distinguished from them.

Q. You counted 167 from your house?—A. Yes.

Q. Over what area?—A. It might be within a distance of perhaps five or six miles, because when they are fishing mackerel they always are close together. They do not spread out and remain at a distance, but all keep together.

Q. When you say five or six miles, is that five or six miles from the coast or along the coast?—A. Along the coast.

Q. At what distance from the coast do they keep?—A. At the time when they were watched by the cruisers they kept away, but when there were any mackerel one of them would run in, as I was observing a little while ago, and take them out; then they would fish away, but taking care to be outside the three-mile limit.

Q. You remember in 1867, that is the year after the abrogation of the treaty; have you any knowledge of the number of vessels that frequented?—A. After the establishment of the Reciprocity Treaty?

Q. After the abrogation.—A. Well, there was still a great number; but at that time there certainly was not quite so many, although very nearly as many as before for some time. In fact, they continued to be very plentiful until the civil war; then they went off as if by magic.

Q. The civil war was ended?—A. But I say they were plentiful up to that time.

Q. I think you told us that vessels were counted by you to the number of 167, and you said they were along the coast; now I ask at what distance from the coast?—A. They might have been four or five miles at the outside, not more.

Q. Some of them?—A. Some of them; yes.

Q. Were there several cutters looking after the fisheries, either Canadian or Imperial?—A. They were, particularly previous to the Reciprocity Treaty. I have seen as many as seven British men-of-war in Paspebiac roadstead at one time.

Q. And after 1876?—A. After that there were only Canadians there.

Q. In that part of the gulf?—A. That is, in our part of the gulf; I do not know what there were elsewhere. We would see a frigate occasionally, but not to say continually on the coast. But, during the period first alluded to, some of them would come and remain in the roadstead, particularly the captain of the Devastation. He was called "the devil on the station."

Q. From the information you got have you an idea of the number of the American vessels that frequented the gulf—from the Gut of Canso up to your locality and above?—A. As far as I have heard I should estimate them at 500 or 600 or more, not less, but they never were in the one place at the same time, they were all spread about. For instance, I have left Paspebiac on board the Lady Head on the way to Quebec. When leaving Paspebiac I have seen from 200 to 300 Americans in the Bay Chaleurs. As a matter of course they could not follow us. They could not get ahead of us, because under any circumstances we were able to beat them, as we were in a steamer. Well, when we would get up into the river St. Lawrence I have seen nearly as many more ahead of us.

Q. When you speak of five, six, or seven hundred, you speak of the Quebec waters?—A. I am speaking of the Quebec waters.

Q. That does not include what might have been about the Island of Cape Breton?—A. No; I am speaking of the Quebec waters, and I believe I am not very far wrong. In fact, the American captains have admitted that to me themselves, because I have often conversed with them. They have admitted to me that there was that many.

By Mr. Foster:

Q. In the gulf or in their whole fleet?—A. O, no. In the gulf. When they come to be spread out all over the vast extent of water they soon tell up.

By Mr. Doutre :

Q. Could you speak with some knowledge of the tonnage? Have you any personal knowledge of the average tonnage?—A. Yes. I have been on board a great number of them, and also from my nautical knowledge I know. From my own house, as I have a first-rate glass, I could always tell about the tonnage. I don't think I have seen any less than 50 tons. From that I have seen them up as high as 200 odd. I should say the average was from 70 to 75 tons. That is what I would suppose would be about the average. I have seen one vessel 220 tons.

Q. What is the number of men on those vessels?—A. The crew, as a matter of course, would vary according to the size of the vessel, from 10 to 15, but in this large vessel I have spoken of there would likely be 20-odd hands. I don't remember exactly. I think it was 20-odd.

Q. Well, now, have you any idea of the catch on the American vessels when they felt that they might go—that is, when they had about what they expected to have?—A. As a matter of course the catch would depend upon the size of the vessel. A small vessel would not require as much as the others, but I have always understood from the American captains that they made very good catches as a rule. As a matter of course, according to the size of the vessel; they would vary from 250 to 500 barrels.

Q. In one trip?—A. Yes.

Q. Is it to your knowledge whether they make more than one trip?—A. As a rule, they always made two, but they have made three. I think it is as many as two invariably.

Q. Have they time to go home with the catch and come back?—A. Well, I will tell you what used to be done; I will not say what they do now. In McCulloch's Dictionary it will be found where Mr. McGregor gives the statement that seven or eight farmers and their sons will unite to build a schooner. They fit out here to go fishing in the spring. They manage to get a cargo in time to go back and attend to their harvest. They get their crops in, and as soon as they are in they start for another voyage. That shows that I am correct in speaking of the possibility of their making three trips.

Q. Especially if they transship?—A. Especially if they transship. But this system that I allude to I know to be correct from my own personal knowledge and by reference to McCulloch's Dictionary, where it will be found fully described.

Q. Is it to your knowledge, either personally or from conversation with skippers, whether transshipment is practiced?—A. O, yes. Many of the skippers have told me that they went to the Gut of Canso to transship. Many have told me that; and when a schooner was not full and would come across another that was not full, they would make a bargain to transship from one to another, and then one would go home and let the other go back to the fishing ground.

Q. Well, it is an advantage to the Americans to have the right to transship?—A. Undoubtedly; for if they do that, it gives the vessel that transships into the other an opportunity of returning to the fishing ground, and she loses no time.

Q. Therefore she makes double or treble trips?—A. Precisely. That was done on the coast of Jersey in the oyster fishery. Oysters never went to market by the vessels in which they were taken, but in larger vessels. They were transshipped invariably. That is precisely the system we are now speaking of.

Q. Even if they had no steamer to transship their cargoes to Boston or elsewhere, one party having two schooners might keep one coming

to the Gut of Canso, taking the cargoes of the fishing schooner away, and leaving her on the ground?—A. Yes.

Q. In fact, there is a multiplicity of operation that may result from this liberty of transshipment?—A. Undoubtedly.

Q. Do you think it would be worth while for the Americans to come in our waters if they were strictly or rigidly excluded from the bays and three miles from the shore?—A. I don't believe it would be worth while, and I have never thought it would be worth while.

Q. Suppose they were restricted to Magdalen Islands, the coast of Cape Breton, and part of Newfoundland, do you think it would be worth while?—A. I believe that for a few it might answer the purpose, but not to come in the immense numbers that they have come in.

Q. They could not make a paying voyage if they did?—A. It would be utterly impossible.

Q. Is that only your own opinion?—A. We have always understood it to be the opinion of the Americans themselves.

Q. Have you had occasion to speak often with them?—A. Yes.

Q. Both before and after reciprocity?—A. I remember on one occasion, which has just come to my mind, I met an American captain and asked him what he was doing. He said he was fishing codfish. I said, I suppose you are fishing in the usual mode with you Americans. He said, precisely so. I asked him if it did not ruin the fisheries. He said he thought it did. I asked him why he did it, and he said that if he did not his neighbors would, and that, as a matter of course, he could get a great many more fish in that way. He added that it was the fault of our people that they did not prevent it. He then made this observation: "Ah! if you only knew it, there is California there. You need not go beyond this for California."

Q. When did this take place?—A. That must have been in something like 1855 or 1856.

Q. Did you ever hear of our fisherman resorting to the American waters to fish?—A. Never. In fact, I am very certain they would not. What benefit would they derive? If they found it worth while to go to the American waters, why would the Americans come here to fish in ours? They would not come here if ours were not superior to theirs. It stands to reason that they would not find it profitable to come that distance if their own fisheries were as good, and our people are not such fools as to go to an inferior fishery.

Q. It would not be the act of a sane man?—A. No; the man would be better fitted for the lunatic asylum than anything else.

Q. Have you any idea of the profit realized by those who fish either mackerel, or codfish, or halibut?—A. I cannot give you an exact statement of it, but I could give an approximate estimate, I suppose.

Q. Have you any note about it?—A. I have a note here to refer to. But, for instance, you ask me with respect to the extent of the mackerel fishery. I have always understood from captains that from 100 to 120 barrels paid for the outfit. Consequently, if they got that, and enough to pay the crew, whatever was divided among them after that was all clear profit. That is what I have always understood. Then, of a matter of course, that depends again upon the tonnage of the vessel for it stands to reason that a vessel of 50 tons will not require as much as a vessel of 70, 80, or 100 tons. It must be *pro rata*.

Q. Did you tell us what was the average catch to a vessel?—A. I did; I said from 250 to 300 or 400, and the largest ones 500. It depends upon the size of the vessel.

Q. Take the average tonnage you have given, namely, 70 or 75 tons

and speaking of the whole season, not of one trip only, what would you think would be an average statement of expenses and profits?—A. I do not know about that. At all events the vessel would take, admitting she made two trips, 700 barrels. If she took 700 barrels she would not sell them for less than \$12 a barrel. I do not believe it has ever been below that. I have known them to go upwards of \$20 a barrel.

Q. But taking a very low price; continue your calculations, taking \$12 as a very generous concession as to price?—A. That would be \$8,400.

Q. Then, what proportion of that is required to cover expenses?—A. Half of that, according to the present system with the Americans, is generally adopted. Because I ought to have told you this when I spoke about the farmers and their sons uniting. The other system is that the merchants find the vessel and the outfit; originally, when they first commenced the fishing, the merchants found the ships or schooners and the nets. The crew had to pay for provisions, salt, lines, and hooks, and after that they got three-fourths; I think it was—no, it was two-thirds—that was it, and the vessel got one-third. But now the system is altered, from what they have told me. The vessel finds everything, and the crew and fishermen have to pay simply for the cook and the share of bait whenever they have to buy bait; and they get half and the vessel gets half. That I believe is the present system, so far as the captains have told me.

Q. Who pays for the barrels?—A. The vessel.

Q. The owner?—A. Yes.

Q. Taking that system, and taking the average catch at 600 or 700 barrels, what would be the clear profit to the owner?—A. I should say the owner would get from \$2,000 to \$3,000.

Q. But in the mean time a large number of persons have found their living in the business?—A. Yes.

Q. Is it ever done that some person charters a schooner to go fishing?—A. I am not aware that it is. It might have been done; I am not aware of it.

Q. Does it sometimes happen that the men instead of being engaged per share would get wages?—A. Yes; that is the case, because I have known men to be hired in that way. The schooners have passed along the Gut of Canso or Arichat and those places, and hired men at so much per month instead of shares.

Q. Well, having been engaged in marine insurance, would you consider that \$250 or \$200 a month for the charter of a vessel of 70 or 75 tons would be a fair remuneration for one?—A. \$250 a month would be decidedly a fair remuneration; according to the size.

Q. Well, say a vessel of 70 tons?—A. I should say the owner would be very well paid.

Q. Now, I would like to put this question: Taking that part of our population which is engaged in fishing, or the inhabitants of those parts of the coast we have mentioned all along the gulf, independently of the remainder of the population of the country—speaking in view of the interest of that part of the population, do you think that reciprocity or any other system of trade with the United States would compensate for the loss they sustain?—A. None whatever; nothing can compensate. The remainder may be benefited by reciprocity, but not the fishermen or the merchants. You can give them nothing that will compensate them, because the moment you take away the three-mile reservation you destroy the fisheries, and the moment the fisheries are destroyed our fishermen, in the first place, will not be able to obtain a livelihood,

and the merchants by degrees will have to leave the coasts. The large establishments dwindle away to nothing. It is as plain as A B C. If the trade goes away these establishments must go with it; they cannot hold on to nothing.

Q. From your knowledge of the shipping interest do you think that the proprietor of a schooner of seventy tons could put her to any more profitable business than to charter her to fishermen who would pay \$200 or \$250 a month?—A. That all depends upon the state of business at the time. Because take such a time as this when business is very bad. There is many a man who would jump at the idea as long as he got his money, however small, for the employment of his vessel. It depends upon whether business is good or dull.

Q. Referring to another statement you have given, that a vessel sent out to fish with a crew engaged on shares would make a profit of between \$2,000 and \$3,000 a season, do you think that many other kinds of business pay better than that?—A. No; I do not. I believe that no larger profits have been made than those secured by the American fishermen, when fishing was good, and when they caught a sufficient quantity of mackerel. I believe that they then made, what you may term, "golden voyages." They admit that themselves. They have never denied it.

Q. Have you formed any opinion about the scarcity of the mackerel during the last two years in our waters and their return this year?—A. My opinion is that the Americans not having frequented our waters during this period, as a matter of course the mackerel have increased in number. This must necessarily be the case in every similar instance where, as I may say, you have persecuted any fish and completely annihilated them. You must then give them time to recuperate in order to have them return again. An excellent instance of this is now afforded with respect to the river at Dalhousie. This was a river from which, at one time, there used to be sent to Halifax from three to four schooner loads of pickled salmon, and I have seen the time when that same river could not produce fifty barrels of it. Well, now, since that river has been protected, and since this protection has been followed out, and strictly followed out, the salmon have there again become plentiful; and so it is with every kind of fish; this stands to reason.

Q. So you would attribute the abundance of the mackerel found during the last two or three years in American waters to the fact that their vessels had been swarming in our waters, thus giving the fish in their own waters a rest?—A. No. These fish always belong to our own waters.

Q. But what has been the case during the last two years?—A. The fact is that there were none in any waters, comparatively speaking, compared with what there had been in former years. None were caught, comparatively speaking, anywhere; that is to any extent. They had not been caught in the large quantities which had been customary.

Q. I thought that these fish were to be found in their own waters?—A. What do you call their own waters?

Q. The waters on the American coast.—A. You don't mean to say that mackerel breed on the American coast?

Q. I know nothing about that.—A. I doubt it very much. It appears to me that wherever mackerel or any other fish are found to be full of spawn, inshore or on a coast, that must be the place where it is going to breed. That appears to me to be as plain as possibly can be.

Q. Then you are of opinion, and you are sure, that the mackerel breed in our waters?—A. That is my opinion. I may be wrong. I don't say that I am right.

Q. That would not prevent the mackerel breeding in American waters?—A. I do not dispute that.

Q. You are sure of the fact that the mackerel breed in our waters?—A. I am sure of it.

Q. Do you know what the opinion of the Americans is on that point?—

A. No; I do not. I have never spoken to an American captain on that subject.

Q. What evidence have you to support the statement that the mackerel breed in our waters?—A. The very fact that when you catch mackerel in our waters you find them full of spawn. This is the most simple fact in the world. When you go up a river and catch salmon in a pool, just ready to spawn, it is evident that this is the most simple proof that they are going to spawn. You find them in the pool and they will not turn back and go down the river again to spawn. So it appears to me is the case with all fish, without exception. I do not mean to say that this is true with regard to mackerel more than with any other fish. I believe that all kinds of fish are alike in this respect; wherever you catch them full of spawn, there they are going to spawn.

Q. When the American vessels frequented our waters in great numbers, was this the occasion of some trouble, not only at sea, but also on shore?—A. I am not aware that any trouble occurred at sea beyond this—on several occasions they have dropped in among a lot of our boats engaged in fishing. Perhaps the American vessels would come up to the number, say, of from thirty to fifty, and all close to each other. I have on more than one occasion seen an American schooner drop in and come to anchor among these boats, which thereupon would be obliged to leave.

Q. Why?—A. Because they could not then catch any more fish. The rule followed by the American vessels is to throw the offal overboard, and the moment they do so the mackerel go to them, and our people have to move off.

Q. Owing to their throwing overboard offal and bait?—A. Both; they throw offal over, and, on the other hand, on more than one occasion—for so I have been told by the fishermen—the Americans have driven them off the fishing grounds, and told them, "You must get out of this; we won't have you near us." As to this I speak merely from hearsay.

Q. The fishermen who live on that part of the shore fish in open boats?—A. Yes, they all do so.

Q. And no one of them is able to resist the crew of a schooner?—A. No; they never think of it.

Q. Now, will you tell us whether any trouble has taken place on shore?—A. Trouble has occurred on shore on several occasions, though not in a great number of instances. On several occasions, where a number of crews have landed, they have considered themselves, I suppose, the masters of the field, and that they could do as they pleased; and, unfortunately, where they have obtained liquor—this is the cause of all the mischief—they have committed a great many excesses.

Q. Do the Americans throw offal overboard from their vessels when near the shore?—A. Invariably; what else can they do with the offal? It stands to reason that they would not bring it to the shore. The difference between them and our people is this: the latter bring in their fish round, as they call it, that is, without being split or having had anything done to them, and on the beach the fish are split and attended to. Consequently they do not throw the offal into the sea; in fact a law which is intended to prevent it exists, and they dare not do so, while

the Americans, who do not come on shore, and who are always afloat, will not take the trouble to bring the offal ashore, but pitch it overboard wherever they split the fish. This is the case with those similarly situated, whether on an American or on any other schooner. It does not matter whether the vessel be American, Nova Scotian, a New Brunswick, or Canadian.

Q. What is the effect of that practice?—A. The effect, first of all, is that the offal attracts the fish from all around to the spot where it is thrown. Another opinion has also been expressed in this relation, and I think it is likely to be correct. It is this: that this offal, as a matter of course, must very soon become putrid, and when it becomes putrid it must become poisonous, precisely in the same way with regard to fish as it is for us to eat putrid fish. At least that is what I fancy to be the case. I do not know whether I am right or wrong, but that is my impression; and therefore this practice destroys the fish—the young fish particularly.

Q. Do you think that when they have thrown offal overboard so near the shore you would smell it while the tide was low?—A. No.

Q. It would be farther off than that?—A. It would be thrown outside.

Q. Have you seen any of this offal brought ashore by the tide?—A. O, well, this might have been the case. There is such a quantity cast along the shore that it would be impossible to tell, but I should say that, as a rule, when thrown overboard this would not follow, unless a very heavy storm should set in immediately afterward. Otherwise I should say it would remain where thrown. It is generally cast overboard in deep water, and consequently it would be likely to remain there.

Q. Do you know the motive which has induced our legislators to prevent our people throwing offal into the sea?—A. It is precisely what I just now explained to you. This practice is considered to be injurious to the fish; also, when they are glutted—so the fishermen all tell me—with the offal which has been thus thrown overboard, fish will not bite. That stands to reason; they are so full of it that they will not then touch anything else.

Q. Do you know anything of the mode of fishing followed by the Americans?—A. The mackerel are all caught by them with seines and hand lines; bobbing, as they call it. This latter method is principally pursued by them.

Q. Is seining a system which is not calculated to do any harm?—A. On the contrary, all seines must, more or less, do harm. Seines of every description have such an effect.

Q. Why?—A. Because they destroy the small fish; that is the reason why. If you could seine where there was no small fish, and no young fry growing up, then it would do no harm, I admit; but I believe that along our shore you cannot seine anywhere without catching a good many small fish, and when this is done, as a matter of course, these are all very much knocked about. A few of them may live, but the number that does must be very small. The seiners do not trouble themselves to take the small fish up, but throw them away.

Q. What proportion of the catch of the seine would be thrown away as useless—one-tenth or one-sixth?—A. That varies according to the place and the fish that the seiners are trying to catch. Sometimes it may be more and sometimes it may be less.

Q. Suppose that we could not agree with the Americans when their twelve years have expired, as to an arrangement concerning these fishing privileges similar to that which at present exists, what would you

prefer, the present system, with Canadian fish admitted free of duty into the American market, or the imposition of a duty of \$2 a barrel on mackerel and \$1 on herring by the American Government?—A. I would prefer the present system with the restoration to us of the three-mile limit. That is what has heretofore been the system, affording us the sole privilege of fishing within the three-mile limit.

Q. And the payment of a duty?—A. Most decidedly.

Q. Have you any idea what regulates the price of fish—in Gaspé, for instance; what regulates the market-price?—A. The foreign markets.

Q. Is there a period of the year when this is done?—A. The time when this is done, is, I am sorry to say, an unjust one. The great house of Robins has supreme sway, and they do as they please; they only state the price which they will give, either for green or dry fish, generally speaking at the end of July, and sometimes in August.

Q. You now speak of cod fishing only?—A. Yes; because they do not deal, speaking particularly, in anything else.

Q. The price of mackerel is not thus fixed?—A. They do not trouble themselves about mackerel at all, they catch so few of them save for bait. It is the American markets which altogether regulates the price of mackerel.

Q. Have you ever had occasion to compare the cod-fish taken on the Newfoundland shores with those taken in off the gulf by the different houses you have mentioned?—A. There is one thing that is well known, and which cannot be contradicted, and this is, that the Gaspé fish always fetch a higher price in the Portuguese, Spanish, Italian, and Brazilian markets than any other fish, wherever they may be caught. It matters not where other fish may come from, this has always been the case within my recollection.

Q. That is due to the fact that these fish are better, or better prepared?—A. It is because they are better prepared. I am not aware whether the fish are better, but they are better and more carefully prepared. I believe that other fish might be cured as well if the fishermen took the same trouble with them; but they do not.

Q. These fish, I suppose, are cured at leisure, on the shore in Gaspé, while in Newfoundland it is not always so convenient to do so?—A. There is another disadvantage under which the fishermen labor in Newfoundland and on a great portion of the Nova Scotian coast. Their shores are more foggy than ours. We have more clear weather, and there is nothing worse, with respect to the curing of fish, than fogs. This is about the worst weather that you can have for the purpose.

Q. What reason could you give in support of the opinion that the continued frequenting of our waters by American fishermen would be injurious to our fisheries?—A. Well, this is due to the very fact, you may say, that they sweep the sea of every fish that swims in it. Wherever they may pass they clear all the fish out; with regard to mackerel, for instance, they leave none at all.

Q. They come in such numbers and are supplied with such appliances?—A. They take such an immense quantity of fish, and they so completely sweep them out of these waters, as it were, that there is nothing left at all. They are so accustomed to it that they will follow the fish from cove to cove and all around the coast, and, by means of their system of fishing, they will catch the whole of them. This system is not practiced by our people at all. They do not understand it.

Q. This is especially owing to the great number of their vessels that come to our waters?—A. Exactly; as a matter of course, the more vessels that come the more fish are caught.

Q. I suppose that a large portion of our population would be reduced to poverty if these fisheries were ever destroyed?—A. Undoubtedly. I suppose that the house of Robins alone employs about 2,000 men. This is no exaggeration.

Q. Do the Americans fish more largely for mackerel than for cod?—A. They also fish largely for cod.

Q. On our shores?—A. I mean in the gulf.

Q. In the Province of Quebec?—A. Yes. For instance, take halibut. An immense quantity of halibut go to the American market—to New York and other places. You will see them quoted there continually. In the Forest and Stream, which I take regularly, the price of this fish is steadily quoted; and almost all of them are caught on our coast, and not only is this the case, but they are caught within the three-mile limit, because you cannot catch them outside of this limit; so this is proof positive of the fact that they are caught within the limits.

Q. Are many halibut taken, or has there been many caught, if the catch has decreased?—A. Such immense quantities have been caught that the vessels used to take as much as from 30,000 to 40,000 pounds of this fish to the New York markets at one time. I have seen numbers of vessels reported as having taken such a cargo.

Q. You say that the most of these fish are caught either in the bay or within the three-mile limit?—A. They are all caught within the three-mile limit—without any exception. I believe this is what I have understood from our fishermen. They have told me positively that halibut cannot be caught in deep water. You will of course catch an odd fish occasionally there; I would not say you would not catch any in deep water; I would be very sorry to say that halibut cannot be caught in deep water, but as a rule they are taken along the shore.

Q. You say you have heard that; did you only hear it from our fishermen, or have you also been told so by the American fishermen?—A. I have never spoken to any American fishermen about halibut fishing. Our own fishermen have told me so; they have informed me that all the halibut are caught within shore. I was lately speaking to a gentleman who has been for fifteen years on the north shore, and he told me it was impossible for them to catch halibut except within the three-mile limit.

By Mr. Foster:

Q. You came here from Jersey in 1845 to be superintendent of the business of the company you have mentioned?—A. Not from Jersey, but from London.

Q. But you are a native of Jersey?—A. Yes.

Q. And you came here to be superintendent of this Gaspé Fishing and Coal Mining Company?—A. Yes.

Q. Was their chief business connected with coal mining?—A. No; but with fishing; this was the principal part of their business.

Q. How long did that company continue in existence?—A. But a very short time, I am sorry to say.

Q. The business was not profitable, I suppose?—A. No.

Q. And then from that you went into the various branches of business in which you told us you had been engaged; but your personal observation has been principally confined to the cod fishery?—A. Yes.

Q. And that goes back to 1845?—A. Yes, and even previous to that, because I previously shipped cargoes of codfish from Jersey.

Q. But you were not here then?—A. No; I was never on this coast until 1845.

Q. Now, you say that great numbers of Americans came here until the civil war broke out, and that they then vanished as if by magic ?—

A. Yes, for a time.

Q. That was in 1861 ?—A. Yes.

Q. When did they begin to come back ?—A. After the war was over; some two or three years afterwards, and then a few more came.

Q. How long did the war last, to your recollection ?—A. If I remember aright, three years, or thereabouts.

Q. It was rather longer, was it not ?—A. Yes.

Q. This would carry you along from 1861 to 1865 ?—A. Yes.

Q. Were many Americans here in 1865 ?—A. Not so many as there were previous to the war.

Q. How nearly as many were there ?—A. I should say there were not one-half of the previous number.

Q. How was it in 1866 ?—A. There were not even half that number here then.

Q. How was it in the following years, 1867, '68, and '69 ?—A. Within the last few years there were scarcely any here; at least, this was the case on our shore. I am not saying that this was so elsewhere. I am speaking of the vicinity of Perce.

Q. But still you have a general knowledge of the Gulf of Saint Lawrence ?—A. Yes.

Q. Running up almost to Labrador ?—A. Yes.

Q. And the number of American fishermen coming to that vicinity has been diminishing right along for the last ten years. Is this not so ?—A. Yes.

Q. Until now, when very few, indeed, come ?—A. O, Mr. Savoie, captain of the Lady Head, told me that when he was passing through the gulf, the other day, he supposed he must have seen nearly two hundred American vessels.

Q. So you think that nearly two hundred have come back this season ?—A. I am merely telling you what I have been informed.

Q. Just in time for the Commission ?—A. I have not seen them.

Q. But hardly any American vessels have visited these waters during past years ?—A. I have seen very few of them.

Q. This would be going back to 1862 or 1863, at least ?—A. Yes.

Q. The codfish that your people catch they catch and sell to these Jersey houses ?—A. Yes.

Q. And they are so much in the power of the Jersey houses that the latter set the prices, and your fishermen have to submit to it ?—A. Precisely.

Q. And this is considerable of a hardship ?—A. Yes.

Q. These houses do nothing with regard to the mackerel fishing ?—A. They do not interfere with the mackerel at all, save in order to secure bait. When the mackerel are at all abundant a small quantity is caught and sold. I have known as many as twenty or thirty barrels caught, but then that is nothing compared with the other quantities that are taken.

Q. They do nothing in mackerel as an article of trade ?—A. No, they do not; because they do not fit out for this fishing. This is the reason they cannot compete with the American schooners; it is impossible.

Q. In their boats ?—A. No.

Q. And so your men that want to pursue the mackerel fishery find it necessary to go into American vessels ?—A. That is the only chance they have.

Q. And thousands of them are employed on American vessels?—A. O, not thousands.

Q. Not thousands?—A. I should say not, decidedly.

Q. How many are so employed?—A. There may be a few hundred, but I could say decidedly not thousands. I should say, as far as I know—I am not very positive, as I am merely speaking from what I have heard—that so many were never employed during all the time when so many American vessels were in our waters; and this is going back to the time before the civil war.

Q. Do you really think that their catch would average from 500 to 700 barrels?—A. No; I stated, as you remember, that it would be according to the size of the vessel; and a vessel of 50 tons surely could not carry 700 barrels, or 500 barrels either.

Q. But in making up the average you take the catch of the small in with that of the big vessels?—A. O, well, the average would be very much below what you state.

Q. Take all the American vessels you used to see there, large and small—those whose tonnage ran down to 50 and those whose tonnage went up to 200 tons—you have estimated their average tonnage at, I think, from 70 to 75 tons; now, give us the average catch?—A. I should judge that the average catch would be from 300 to 450 barrels.

Q. Is that for one trip?—A. O, yes.

Q. And you think in those years, when there was so many of them here, and when the fishing was good, their average was from 300 to 450 barrels a trip?—A. Yes, sir; I do.

Q. Then they used frequently to go to the Gut of Canso and transship their cargoes?—A. So they have told me; I don't know it personally.

Q. And how did you understand that they sent these cargoes to the United States?—A. Other and larger vessels would take them.

Q. They found these larger vessels there?—A. Yes; a large vessel would take the cargoes of two and three schooners, perhaps.

Q. Then Mr. Doutre asked you the question whether this did not double and triple their profits, and you answered "precisely."—A. This would not be the profits, strictly speaking, but the voyages. As a matter of course, if they can make three voyages instead of two, then they increase their profits, but they do not double them.

Q. You do not mean to say that they thus double or triple their profits?—A. O, no.

Q. Sometimes a vessel will make three instead of two trips in the course of the season by transshipping?—A. Yes.

Q. And you gave an illustration concerning the Jersey coast, with reference to oysters; what was it?—A. I said that this mode was precisely like that of vessels which caught oysters there. They never take the oysters to market. This was the invariable rule, without any exception; all the vessels there are cutters, not sloops and schooners, and a large cutter would then come and take the cargoes of perhaps seven or eight fishing-vessels to market. This was always the way.

Q. The oysters were taken to London?—A. To London, or where ever might be the destination.

Q. They caught the oysters within British jurisdiction?—A. Yes.

Q. And took them to the English market?—A. Yes.

Q. In speaking of the coasting voyage, you said you had understood that it required from 100 to 125 barrels to pay the outfitting?—A. The actual outfitting.

Q. Was this before anything was to be divided among the crew?—A. O, certainly. It would take that before anything was divided.

Q. So that if the voyage produced only 100 or 125 barrels, the crew would get nothing if they were on shares?—A. The crew would, nevertheless, have one-half of the quantity caught, you understand. Whatever the quantity might be, the crew would get one-half of it.

Q. Then this would result in being the loss of the owner?—A. Yes; when I spoke of the 120 barrels, I meant that it would cost the merchant so much to fit his vessel out; but that has nothing to do with the division of the catch between him and the crew. This is a different thing altogether.

Q. And that would be from 100 to 125 barrels?—A. I should say that this would be about the average, as far as I am aware of.

Q. This is founded on the supposition, I suppose, that the average size of the vessels would be from 70 to 75 tons?—A. Yes.

Q. Well, now, these opinions that you have expressed as to the disadvantages of the present arrangement, and the injury to you fishermen sustained by allowing the Americans to come in within three miles of the shore, are your opinions as to what would have been the case if they had kept coming in as they did in former years, I suppose. You have not suffered from the Americans coming in for the last four years, because they have not come?—A. No; and consequently the fishing has improved. During the last four years we have had an extraordinary catch of codfish.

Q. Do you really mean to say that there has been any considerable number of American vessels catching codfish inshore about where you are?—A. Not so much inshore as outside.

Q. Whereabouts?—A. On the Banks.

Q. Then you have not near your own shores suffered from American fishing, have you?—A. Not so much.

Q. You know that they came to the Banks?—A. I say that they generally kept out on the Banks in order to catch codfish.

Q. All the world knows that the cod-fishery is deep-water fishery?—A. They do not come so very much inshore.

Q. How many Americans fish for halibut?—A. I cannot tell you.

Q. How many do you think do so?—A. As many as 5, 6, and 7 different American vessels have been seen fishing for halibut during the summer.

Q. And they catch the halibut within 3 miles of the shore?—A. They tell me that the halibut are caught within these 3 miles.

Q. Off our coast they are generally caught from 10 to 15 and 20 miles out to sea?—A. As a rule, that is not our case.

Q. They are got within those 3 miles?—A. They are caught all along the shore; and I will tell you this in proof that such is the case. Our fishermen, of course, if they can catch halibut, are very glad to get them, though they are not sought for by Robins and Co., &c.; still they are glad to secure these fish for their own use, but it is a very rare thing for them to catch any halibut.

Q. The Jersey houses have oppressed you a good deal?—A. Not me, so much.

Q. But your people?—A. I do not suppose that they have done these people any good.

Q. I understand you to say that the codfish cured in your vicinity commands the highest price in the markets of the world of any codfish found in them?—A. As far as I am aware, this is the case. I believe it is.

Q. And the climate of Newfoundland is vastly inferior for the curing of codfish to yours?—A. That is the general impression. This is because

they have a damper climate than we have. Ours is the drier of the two.

Q. It is a moist place and is possessed of no particular advantage for the curing of cod?—A. The fact is, that wherever the weather is moist you cannot cure codfish so as to make it perfectly dry. No moist codfish can be sent, for instance, to the Brazils. For that destination, to use a vulgar expression, the cod must be as dry as a bone. If it is not so, it won't get there.

Q. Even the Icelanders think they possess the best land the sun shines on, and you would be a little surprised to hear that the climate of Newfoundland was possessed of superior advantages with respect to the curing of codfish?—A. Yes, I would, indeed, and very much so.

No. 13.

FRIDAY, *August* 10, 1877.

The Conference met.

JOHN JAMES FOX, collector of customs, registrar of shipping, and overseer of fisheries, at Amherst Harbor, Magdalen Islands, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. How long have you been living at Amherst?—Answer. For 26 years; I have been a customs officer for 25 years.

Q. Have you held the offices of which you are at present in charge all that time?—A. Yes.

Q. It is your business to keep a record of the shipping that enters your port?—A. Yes.

Q. Have you got such a record from 1854 up to the present time with you now?—A. I have a statement of the herring caught in Amherst Harbor.

Q. Have you any statement of the number of vessels that enter the harbor?—A. No. They vary so much.

Q. Have you not got with you the entries for each year?—A. No.

Q. Do all the American vessels, when they come into the harbor, enter?—A. They report, like our own coasting vessels.

Q. Can you tell me, either from your recollection or from the official records, how many American vessels entered Amherst Harbor during 1854?—A. There were over 100.

Q. All fishing-vessels?—A. Yes.

Q. What is the practice of these vessels when they come into the harbor and frequent the Magdalen Islands?—A. They fish with seines near the shore.

Q. How far from the shore?—A. On the shore; all the fish are near the shore.

Q. Have they landed during and since 1854?—They have always pursued the same manner of fishing.

Q. And landed?—A. Yes.

Q. Could they take the fish in seines near the shore without landing?—A. Not about our way.

Q. As a matter of fact, do they ever seine except from the shore?—A. They fish with purse seines outside.

Q. But as a matter of fact, do they seine within the three-mile limit except from the shore?—A. No.

Q. They seine from the shore altogether?—A. Yes.

Q. Before the ratification of the Treaty of Washington, whenever they took fish inshore, what did they do with them?—A. The seines were

hauled near the shore; the boats were loaded from the seine, and the fish were taken on board the vessel, where they were salted.

Q. They did not take the fish from the shore themselves?—A. The seine is hauled to the shore.

Q. And the boats are brought alongside and the fish are dipped out of it?—A. Yes, they are then put on board, salted on deck, and put down in bulk.

Q. You are now speaking of herring?—A. Yes. A few vessels came to Pleasant Bay for mackerel in 1852 and 1854, and fished with nets; but this practice was then discontinued until within the last few years.

Q. Has there not been mackerel fishing within three miles of the shore around the islands from 1854 up to the present time?—A. O, yes, they came quite inshore occasionally; and when this is the case, the vessels come and generally anchor with our boats.

Q. Is there good boat-fishing about the islands?—A. Yes, it is very good; and mackerel have been abundant during the last few years.

Q. Do the inhabitants of the islands pursue the boat-fishing largely?—A. Yes, a great deal. It is their chief support now.

Q. Has this fishing increased or decreased of late years?—A. It has increased.

Q. From year to year?—A. Yes.

Q. What is the reason for it?—A. We have not seen as many vessels there of late years as formerly. The fish are decoyed off shore.

Q. What sort of fish do these vessels decoy off shore?—A. The large and the best fish are generally found inshore; and to get at them the vessels must come in very close. Of course, it is dangerous for vessels to come very near, and so they throw out bait and thus take the fish off into deeper water where the vessels are safe, and there catch the fish.

Q. And when they commence to do so, this ends the bait-fishing?—A. Yes; the boats do not then take many fish.

Q. Do the schools of mackerel come back after the vessels leave?—A. Not the same day, but afterwards they may. The mackerel are what we call a windward fish. They always endeavor to keep in smooth water and to the windward.

Q. When you call them a windward fish do you mean to imply that they come in with the wind?—A. They come inshore against the wind, until they find smooth water. Whenever the water is rough they go to the bottom.

Q. When the wind is blowing off shore where do they go?—A. They come in near the shore and so near it that at times it is dangerous for vessels to approach as close. In fact, sometimes during former years and the last three and four years vessels have come with boats, which they use to catch the fish near the shore.

Q. Do I understand you to say that when the wind is blowing off shore the mackerel come in?—A. Yes.

Q. Will you state to the Commission the mode by which the Americans cure their herring when they take them? What do they do with them?—A. They are salted and cured in bulk, and afterward taken to the United States and smoked.

Q. They are salted on board the vessel?—A. Yes; in the harbor.

Q. And thrown in bulk in the hold?—A. The fish are salted on deck, and thrown below; and when taken to the United States they are taken out, washed, and smoked, and packed in boxes.

Q. In what other way are they cured?—A. During the last few years they have been prepared for the Swedish market, and packed in barrels. Most of them are taken to the United States and smoked; but

during the last year or two a market has been opened for them in Sweden, and it is necessary to pack the fish in a particular manner in this relation. Greater care must be taken with them. Large profits are realized out of this trade.

Q. I always understood that there were large bodies of fish off the coast of Sweden; how happens it then that herrings are exported to that country?—A. This is a new market opened within the last year or two. Last year only one vessel went directly to Sweden, taking 900 barrels; but this year five have gone.

Q. American vessels?—A. Yes.

Q. Has the herring fishery on the Swedish coast failed?—A. I presume so.

Q. How has this market been opened; by treaty, or owing to the failure of the Swedish fisheries?—A. I understood the latter was the cause. The Norway fisheries have failed.

Q. And this year five vessels have been fitted out for that country?—A. Yes; five, of 800 or 900 tons burden, and requiring some 8,000 or 9,000 barrels of herring.

Q. Of course all these fish are packed in barrels?—A. Yes.

Q. Where do these barrels come from?—A. The United States.

Q. The vessels bring the barrels with them?—A. The majority of them do so, a few may be purchased here, but they are brought chiefly from the United States in consequence of a superior make being required. A barrel larger than the ordinary size is needed. These hold from 220 to 240 pounds of fish, while the ordinary barrel only contains 200 pounds.

Q. Where are these herring packed—on ship-board or on land?—A. Some are packed on land in the harbor; they land the barrels, having asked permission to do so, pack the fish at their leisure, and then take them off to the vessel.

Q. Did they ask permission of you as collector of customs to land the barrels? They pay no duty on them?—A. No.

Q. As a matter of fact you let them land the barrels there, and some of them pack the fish there; at all events they take the barrels off to their vessels as they want them?—A. Yes.

Q. What advantage do they say they derive from the privilege of landing those barrels?—A. It gives them this advantage: unless they did so, they would have to bring other vessels to act as lighters. For instance, there was the Hattie H. Grove, of Gloucester, which required 3,000 barrels; these could not be coopered on the ordinary deck of a vessel and packed, so they land some 300 or 400 of the barrels on shore, and the others they put on board the vessel.

Q. By placing the barrels on shore they save lighterage?—A. Yes; and pack them at their leisure, and take them off.

Q. Saving lighterage?—A. Yes.

Q. And a vessel catches more fish than if she had to carry the barrels?—A. You understand that these herring strike into the shore and they must be caught before spawning, when they are full. They strike in schools, as it is termed, and remain for one day, or perhaps for one or two days at intervals; there will perhaps not be more than two schools during the whole season. The consequence is that when the fish strike in the fishermen have to catch as many as possible to fill the empty barrels which are on shore—from 100 to 150. The fish are first salted and when they have settled in the barrels, more fish are put in, and they are taken on board the vessel. If they were not packed the second time, when the vessels arrived in Sweden, the barrels would be one third empty. Last year one vessel came and worked that way, not

packing, and putting the fish in the hold without letting them settle, and thus they lost a considerable amount of money.

Q. Could that fishery now be carried on for the purpose of shipment to Sweden unless they had the privilege of landing?—A. It could be, if they had other vessels to assist them; if they had lighters chartered with that object in view.

Q. This would add to the expense?—A. Yes; one company had two vessels to carry the barrels and to pack the fish in, taking them from one vessel to the other; and of course this involved great expense.

Q. How long is that ago?—A. It happened this season. One of the tenders was in charge of Captain Howe, who was pilot of the yacht which went out of port the other day.

Q. Could they not have avoided that expense by landing the barrels?—A. Certainly, as to a portion of it. A part of the time would be employed taking fish. The crew fish, while the vessel is also used as a lighter.

Q. What do the American captains say about the privilege of landing barrels?—A. They have not said a great deal about it. Of course this is new trade, but if it was not an advantage they would not ask permission to land.

Q. You have not thought of charging them a duty on the barrels?—A. No; I have never done so. They asked permission and I allowed them to do so. This trade is only in its infancy, and different regulations respecting it may hereafter be made. I have reported the fact to the department, but I have not received any instructions this year with respect to it. Of course, strictly speaking, they should be subject to warehouse regulations.

Q. Strictly speaking, what would be the result of this practice?—A. They would have to pay a duty of $17\frac{1}{2}$ per cent. on the cost of the barrels, and these are worth about \$1 each in the United States, or they would have to pay for warehousing. This would, perhaps, cost a couple of hundred dollars. Warehouse rent with us varies from \$50 to \$200. Under this system the fish are packed at a very low rate. I am informed by the Americans themselves that they can sell them there at \$2 a barrel when ready for market.

Q. Will you tell me from the official record what has been the export of herring or other fish by Americans, for the different years that you have been at the port of Amherst, from 1854 up to the present time?—

A. About 600,000 barrels have been entered outwards, and about one-half of the vessels that fish there won't report. I have no account of them. They fish outside.

Q. Six hundred thousand barrels have been entered outward since 1854?—A. Yes.

Q. And only about one-half of the vessels that went out have reported?—A. Yes; at least one-half, I might safely say, during that period did not report. They lay outside in the shore—over half a mile from the shore.

Q. That would make over a million of barrels caught there?—A. Yes.

Q. You would be safe in so calculating the catch?—A. Yes.

Q. What would they be worth in the American market?—A. We value them on board at \$1 a barrel.

Q. As they are caught?—A. Yes. They would be worth a great deal more in the United States.

Q. Do the Americans come very largely to your neighborhood for it?—A. Yes; a great number come for it.

Q. How do they get the bait?—A. Forty or fifty will come for it.

Q. How do they take it?—A. They catch it.

Q. Inside of the three-mile limit?—A. The chief place for catching it is at Grand Entry Harbor. It is the nearest place for the fishermen who come from Cape North. It is at the east end of the island. They come into the harbor, anchor, and set their nets.

Q. Do they set their nets on shore?—A. Yes. It does not take more than one or two days at the farthest to catch all the bait they require. This would be about 50 barrels.

Q. They set the nets on shore?—A. Yes; in the lagoons.

Q. Are the nets fastened to the shore?—A. Yes; to stakes placed in the ground.

Q. Do you mean above high-water mark?—A. Yes; in the lagoons.

Q. What is the rise and fall of the tide there?—A. About three feet. The lagoons of the islands have a strange formation. They run between two sand beaches, and a small channel lies between. In one large lagoon there is a distance of 20 miles between the beaches, and it is there where the bait is caught; sometimes also in Pleasant Bay. On first seining, bait will be taken from the seines.

Q. Do they want this bait for codfishing?—A. Yes.

Q. Could they carry on this fishing if they had not this privilege of securing bait?—A. If the fishermen have no bait they catch no fish.

Q. If they had not this privilege for securing bait, they could not prosecute the codfishing?—A. They have this advantage: the place is so near, and they obtain ice at the same time. A portion of the island is of the red sandstone formation; the sea has made large holes of the nature of coves into it, and snow which has drifted and ice which has formed in these places in winter, are found there until the middle of summer.

Q. They get the ice there in these coves?—A. Yes; and they also take bait in the vicinity.

Q. Do they consider that this is a great privilege?—A. Of course. If they did not have it, they would have to purchase at the Strait of Canso. They cannot keep the bait without ice.

Q. And here they procure it for nothing?—A. Yes.

Q. And they cannot get it without landing?—A. No; they must land for it.

Q. To what extent is the mackerel fishery prosecuted around these islands by these vessels?—A. Sometimes we see a good many vessels around the islands, but they stay only for a very short time. The weather is so stormy that they cannot remain long.

Q. How long does the mackerel fishing continue there?—A. These fish come in and spawn about the beginning of June. At that time they won't take the hook. They are blind and cannot see. They then leave and in about a month after spawning, they take the hook. This season they did so about the 6th of July. When they return, the scales are removed from their eyes and they then bite.

Q. Do they first strike the shore in June before spawning?—A. Yes about the first of June.

Q. And they are then blind?—A. Yes.

Q. How long do they remain in that state?—A. Until after they spawn. They spawn in not more than five, six, or ten days at the farthest. We seldom have fishing for more than three nights afterwards, when they disappear again. They then come into deep water.

Q. Do they come back again?—A. We catch them with the hook.

again in July, from the 5th to the 6th, 8th, or 10th. This year I think it was until the 8th of July.

Q. Are the Americans in the habit of fishing for them during the spawning season?—A. No.

Q. The Americans do not fish for them in the month of June?—A. No; not at present. Formerly a few vessels did, but this has not been the case within the last few years.

Q. The fish are not in good condition when they are caught before spawning time?—A. They are then poor mackerel, and only worth from \$3 to \$4 a barrel. They are what are called spring mackerel, and are intended for the West India market.

Q. And in July?—A. They commence to get fatter in July and August.

Q. You say that they come on the 1st of June and spawn, and are blind at that time; where is their spawning ground?—A. They spawn in the gulf, around the Magdalen Islands, and on the Banks. I think they spawn all over the gulf where there are shoal spots.

Q. Do they, to your certain knowledge, spawn on the Magdalen Islands?—A. Yes; certainly.

Q. Have you observed them spawning yourself?—A. Yes.

Q. They spawn on the bottom, do they not?—A. Yes.

Q. Have you ever seen the spawn afterwards floating?—A. The spawn does not float, but the milt from the male does, and the water becomes white.

Q. Of course the ova are at the bottom?—A. Yes.

Q. It does not float?—A. No.

Q. You are quite sure that you have seen the milk floating?—A. Certainly.

Q. Do they spawn in large numbers around the Magdalen Islands?—

A. It varies with the winds. These fish are entirely governed by the wind and weather. When a southwest or westerly wind prevails they go into Pleasant Bay, in smooth water, and when the wind is opposite they go outside to spawn. The same rule holds good with the herring. These fish are at times so thick in the water at this season that you cannot cross the water where they are in a boat.

Q. What is the depth of the lagoons?—A. From two feet to three or four feet. Narrow channels lie between their shores; at high water, the depth is about five feet. You cannot catch herring in quantities in the lagoons, where the bottom is not good. One of the lagoons extends eight miles; and some of the land on the island is six hundred feet high.

By Hon. Mr. Kellogg:

Q. Do I understand you to say that the fish spawn all around these islands?—A. Yes.

By Mr. Thomson:

Q. Do the mackerel ever come into the lagoons of which you speak?—A. Not often; but sometimes they get a few of them there.

Q. Since the Washington Treaty has been in operation have the Americans put up any establishments on shore?—A. Yes.

Q. Where?—A. On Amherst Island.

Q. Where is that?—A. It is the point nearest Prince Edward Island.

Q. What kind of establishments have been put up?—A. Small fish-houses, and also a dwelling-house.

Q. For what purpose?—A. To cure fish on shore.

Q. What kind of fish?—A. Mackerel and fat herring and cod.

Q. Do they take many mackerel inside of the three-mile limit?—A. Yes; the best fish are always inshore.

Q. How have the Americans for years prosecuted this fishery?—A. They stand in as near as possible to the beach and fish.

Q. Do they then come to anchor?—A. They usually drift in the ordinary mode. Sometimes they anchor when they find the fish abundant; they frequently anchor with our boats on the fishing-grounds. Of course, when they see our boats fishing, they run in, and if they find good fishing, they anchor, or else they would be driven off shore again.

Q. They do as it is proven they have done elsewhere—when they see our boats catching mackerel, they stand in and entice the fish out—do they not?—A. They did so, after the ratification of the Treaty of Washington and after the Treaty of 1854 was made. At all times they have fished so close to the shore that it is dangerous for the vessels to remain there.

Q. Then do they send boats in?—A. They generally have only one boat; but I have known them to hire boats at the island, and fish inshore.

Q. At what time—during the Reciprocity Treaty, or since?—A. During the treaty.

Q. Have they done so since?—A. Yes.

Q. Were they in the habit of doing so since the Reciprocity Treaty expired in 1866?—A. We have not seen many American vessels there since that treaty expired—not as many as was the case formerly.

Q. Have they continued the same mode of fishing since the Reciprocity Treaty expired in 1866?—A. Yes.

Q. Is there any mackerel fishing at all outside the three-mile limit?—A. There is occasionally; but it is not so good there as it is inside this limit.

Q. From your knowledge of the mackerel fishery there, would it be possible in your opinion for the Americans to prosecute this fishery unless they could get inshore, within the three-mile limit?—A. I suppose that they could, but not with the same advantage as they could otherwise, by a great deal.

Q. But they could not make successful voyages unless they could come within this limit?—A. They could not then fish successfully. I do not think it would be worth their while to come here if they were deprived of that advantage.

Q. You are aware that the Americans, under the Convention of 1818, had the right to fish on the shores of the Magdalen Islands, although they could not land there?—A. Yes, I always understood so.

Q. Suppose that they only exercised this right and did not land—they were not permitted to land and fish inshore, and if they could not also fish inshore on the coasts of Nova Scotia, Cape Breton, Prince Edward Island, and New Brunswick, could they then, in your judgment, successfully prosecute this fishery?—A. You mean on the outshot grounds?

Q. Yes.—A. I do not think so.

Q. Suppose that the Americans were confined entirely to the body of the gulf, with the privilege besides of fishing inside at the Magdalen Islands, do you think that they could then successfully prosecute the mackerel fishery?—A. No, I do not; because the gulf is generally so rough that they require the inshore fisheries to anchor their vessels if they might catch fish outside the three-mile limit, but they could not secure a great quantity. They require the shore to come in, anchor

and dress their fish. I have known them catch fish about the Magdalen Islands and have to go to Canso to dress them, the water was so rough.

Q. It is your opinion that unless they had the privilege of coming within the three-mile limit to fish, or, in other words, that if they were confined to the body of the gulf, and only had the privilege of fishing around the Magdalen Islands, they could not successfully prosecute this fishery?—A. I do not think that they could under those circumstances.

Q. And during the twenty-five years that you have been there you have conversed, I suppose, with a great many American captains?—A. Yes.

Q. What is their opinion in this regard?—A. It is that it would be of no use for them to come into our waters if they had not the privilege of coming inshore. I remember a conversation which I had the year after the discontinuation of the issue of licenses with an American captain.

Q. This was in 1868 or 1869?—A. It was during the time that the cutters were on the station. This man complained that he had no fish, save very small ones. I asked him how that was, and he answered: "I will tell you how it is. I own one-half of that vessel, and this is all I possess in the world. I am a man who respects the law, and I do not come inside to fish, for fear that my vessel might be caught, when I would lose all that I have, but some of my neighbors, who are hired by Gloucester firms, fish inside the limits, because all they have on their coast is their bags, and if caught they would lose nothing. But I respect the law and keep outside, while they fish inside, get full fares, and go home with them."

Q. And all these persons who were hired by American firms were willing to run the risk of being caught, because they were not the owners of the vessels, while this man would not run that risk?—A. Yes.

Q. And he could catch no fish outside at all?—A. No; the fish are inside.

Q. Where did he tell you that he had been fishing?—A. On the shore of Prince Edward Island, where the cutters were stationed.

Q. At Prince Edward Island?—A. Yes, and other parts where they fish.

Q. About the main-land?—A. Yes, on the coast of Cape Breton. We never ask them where they have fished, because we all know where they fish.

Q. It was in the gulf?—A. Of course.

Q. And he complained that he dared not risk his vessel by coming inside the limit to fish?—A. I asked him how it was that he had caught few fish, and that was his explanation.

Q. I believe that it is only a very small proportion of the catch of hake in the gulf that is taken around the Magdalen Islands?—A. I should not think that more than the fifth or sixth part is caught there. owing to the great danger incurred by remaining about these islands vessels generally go to Prince Edward Island and Port Hood, and enter the harbor at night and anchor. The weather about the islands is very uncertain. Two or three years ago nearly ninety vessels put in there for shelter, and forty-five of them were wrecked on the following year.

Q. They put into Amherst Harbor?—A. They put into Pleasant Bay. This was in the gale of 1872.

Q. And you say that out of ninety some forty were wrecked?—A. Some forty two or three were driven from their anchors and wrecked.

Q. Was there loss of life as well?—A. Only two or three lives were lost, on one vessel.

Q. It is a very unsafe place at which to remain?—A. Yea. The water is very shallow, and it breaks over the bottom, and the storms in the fall of the year lift the anchors of vessels; but during July and the summer season it is safe enough to remain there.

Q. When does the stormy season commence?—A. It is always stormy there.

Q. Which is the dangerous season?—A. After the first of September we never see any vessels on the coast.

Q. It is safe, however, early in June?—A. The fishermen generally make a circuit of the gulf, going wherever they find fish. When they find them once they generally know where to follow them. The fish shift about to different localities.

Q. Is it safe for vessels about the islands in June?—A. O, yes.

Q. Which is the earliest date when it is safe?—A. In June. It is also safe in July and August. It is always blowy there, more or less. The formation of the islands is such, being sandy—they are formed on the same principle as the West Indies—that early in the year there is always a rush of wind across them.

Q. I understand that the coast of the Magdalen Islands is always dangerous, and that in June, July, and August navigation is always less dangerous there than at other seasons of the year?—A. Yes; there is no good harbor about them with the exception of Amherst.

Q. Vessels do not stay on this coast longer than they can help?—A. No; and for two reasons. One is that the fish are generally on the other shore, and fatter and better there; and the other is that the weather here is very uncertain.

Q. How long do the mackerel remain after spawning?—A. This is very uncertain. They may be in during the morning and disappear in the afternoon. The vessels follow the fish, which are always moving and when they lose them at the Magdalen Islands the vessels run across to Prince Edward Island and learn of their whereabouts. The habits of this fish are very strange. They sink to the bottom whenever the weather is inclined to be stormy. It is just before storms that they are generally caught, and they then disappear.

Q. You have seen the American mode of catching them of late years with seines?—A. Yes.

Q. Have you seen the Americans use purse-seines?—A. I have.

Q. Will you tell the Commission your opinion of that system?—A. It is a very destructive system.

Q. Just describe to the Commission how it is done, and state its results.—A. When the fish come inshore and strike off, as it is termed, they may be found, perhaps, within a mile of the shore, in four or five fathoms of water. The seiners then surround the fish with seines, which are very long, some of them 200 fathoms in length; having surrounded them they haul in lines which are placed on the bottom, and the seine is then like a bag or purse, the fish being all secured. There they have to remain until taken out at the leisure of the fishermen; and, if the weather be fine, this may continue for a day or a couple of days. The fish are taken from the seine and put into boats. The greater part is taken on shore and a great many fish are smothered. If the weather becomes stormy as is so frequently the case in the spring of the year, the fish are lost; they afterward drift on shore; I have seen such fish heaped along the shore to the depth of two feet, for a quarter of a mile; these had been destroyed by the use of these seines.

Q. For one-quarter of a mile they would be scattered along the shore to the depth of two feet?—A. Yes; this would be the case if the wind was on shore, but if off shore it would not be so.

Q. I understand that, if the weather is afterward rough, the dead fish will be thrown up by the surf on shore?—A. Yes; they will roll in with the surf.

Q. Would there be all kinds of fish amongst them?—A. There would be a good many flat fish, such as flounders. There would also be lobsters and small fish; these seines go right to the bottom, and there is no chance for any of the fish inclosed to escape.

Q. Would there be mackerel among them?—A. I have not seen the Americans seining for mackerel. It is to be hoped that they will not do so, or else they will destroy this fishery.

Q. You then refer to the seining of herring?—A. Yes.

Q. And mixed with them would be found flat fish, flounders, and lobsters?—A. Yes, and all kinds of fish of that description.

Q. And codfish?—A. Sometimes there would be a few of them.

Q. The effect of this seining is most destructive?—A. I have seen five or six different kinds of fish seined occasionally; all that are in the water in the neighborhood are caught, of course.

Q. This is very destructive to the fishery, is it not?—A. Of course. The breeding of the fish would be destroyed in the same way. I have heard Americans themselves say that they hoped these seines would never be brought into the gulf, or else these fisheries would be very soon destroyed.

Q. Have you ever talked with Americans or remonstrated with them regarding this style of fishing?—A. Yes; they themselves have often spoken to me about it. They said they hoped that their people would not bring their seines into the gulf for mackerel, as the practice would ruin our fisheries in the same way as had been the result of this mode of fishing on their coast. This was two or three years ago, when they were first introduced into the gulf. They thought fishermen should confine themselves to the hook and jigging, and give one another a chance. They were not favorable to this method.

Q. Do they all admit that it was destructive to the fishery?—A. Yes; this is generally admitted.

Q. Did you ever hear any one man defend it?—A. No. Of course, I suppose that those who use them would do so.

Q. Did you ever hear any one defend it on the ground that it was not destructive, nor uselessly destructive?—A. Certainly not. They often seine in parts of the gulf which are frequented by fat herring; a great many such herring are caught, but not being required, they are thrown out. Small fish are not required by these fishermen.

Q. Do these American captains admit that this is a destructive process?—A. Yes; but they say, "We are fitted out to come here, and we must catch fish, never mind whether it is destructive or not. It is our time to fish, and let those who come after us suffer."

Q. They are willing, for present gain, to allow future loss to be sustained?—A. Yes.

Q. What do these American fishermen do with the offal of their fish?—A. They throw it overboard.

Q. On the fishing grounds?—A. Yes; wherever they may be fishing.

Q. What is the effect of this practice, in your judgment?—A. I do not think that the throwing over of mackerel offal is often very destructive, because it contains a good deal of bait, but the throwing over of

cod offal is very destructive; besides, so many small fish are destroyed it poisons the fishing grounds.

Q. Why should not mackerel offal have the same effect?—A. Because so much of it is bait.

Q. Bait for what?—A. It is in considerable measure composed of bait which has been thrown to the fish. The fish follow the bait as it is thrown over, and when they are caught they are more or less full of it, and of course this is thrown overboard.

Q. Do you find that the offal of mackerel is eaten by the mackerel?—A. I do not think so. This goes to the bottom, but it is not so destructive as cod offal. They require bait to be very fine.

Q. The offal of the mackerel is still there, whether there is bait in the mackerel or not?—A. It is destructive, but not so much so as cod offal.

Q. I do not understand why, unless it is less in quantity.—A. It is less in quantity.

Q. Is that the only reason?—A. Yes.

Q. Then the throwing overboard even of mackerel offal is as destructive, as far as it goes, as cod offal?—A. It is not so.

Q. Why?—A. Because there is not such a quantity of it. It is, however, destructive in a measure undoubtedly, and is injurious to the fish, for the water would be polluted by blood and other matters. If it was thrown overboard while the vessels were at anchor, it would be more injurious than when they are drifting, because when drifting the vessels pass over a very much larger surface.

Q. Do they throw it overboard when at anchor?—A. Yes.

Q. And thus pollute the water?—A. Yes; because mackerel contain a great quantity of blood.

Q. Are you aware whether or not this drives the mackerel off?—A. It would do so from where they are fishing into good, clear water.

Q. Can you smell this offal at any time?—A. No; not when the mackerel-fishing vessels are drifting, but you can smell it very often when they fish near the shore.

Q. Where?—A. When the vessels are drifting outside; a mile from the shore, for instance.

Q. After this offal is thrown into the water, can you afterward smell it from the shore?—A. Not when the vessels are outside, but when the vessels have been inside the limit we have of course. This would be inside of the bay.

Q. That is where they throw it over in shallow water?—A. Yes. I should imagine that on other shores, where there are such large quantities caught, and where the vessels anchor at night, this practice, connected with the dressing of fish, would be very destructive; but I am speaking of the Magdalen Islands.

Q. I suppose that the water about the Magdalen Islands is a good deal troubled by storms?—A. Yes; it is very seldom or ever smooth there. But this is not the case around the shores of Prince Edward Island and Cape Breton.

Q. This practice would be much more injurious on the coasts of Prince Edward Island, Cape Breton, and New Brunswick, than around your island?—A. Yes; it would be much more destructive there.

Q. Have you ever conversed with Americans on the subject of the privilege which they have of landing on your island at all to procure snow, ice, &c.?—A. No; I have never heard it mentioned. They think that this is a right which they enjoy, and never raise the question.

Q. They do it as a matter of course?—A. Yes. The only difficulty I had was when Mr. Lavender, of Provincetown, first came there, three

years ago. Then my people told me he was not fishing the same as the rest, but with trawls. I went to him and spoke to him about it, but he told me that, by the Treaty of Washington, he had a right to fish where and how he liked; that it did not confine him as to the mode of catching fish, and that he could fish in any manner he liked, and had a right to do what he chose.

Q. How was he fishing?—A. With trawls.

Q. That is trawling in inland waters, within three miles of the shore?—A. Yes.

Q. What is the effect of that mode of fishing, in your judgment?—

A. It destroys the mother fish, the large fish that come in to spawn. These fish come into these waters in the spring and deposit their eggs. The fishermen want the large fish but not the small ones, and a great many of the latter are consequently thrown off the trawls.

Q. You refer now to codfish?—A. Yes.

Q. Does this practice injure the cod-fishing to any extent?—A. Yes.

Q. Seriously?—A. Yes.

Q. Do the Americans take much codfish around these shores?—A. Their fishing is generally carried on outside.

Q. They chiefly come in for bait?—A. You can easily see the vessels with a glass.

Q. How far are they out?—A. Eight or ten miles. They are sometimes closer. About three or four years ago the islands were surrounded with these trawlers, who kept the fish from coming in there, and those who fished with hand-lines complained a great deal of the number of vessels that came in to fish; they were so close, and such a quantity of bait was thrown outside, that the fish would not come inshore.

Q. Do they often come and surround the islands with trawls?—A. Yes; during the cod-fishing season.

Q. What is the period for cod-fishing there?—A. There are two fisheries; one is called the Cape North fishery, and this generally begins in April.

Q. That is north of Cape Breton?—A. It is off the Magdalen Islands. The best fishery is about the light-house on Bryon Island, inside, and to the southeast and eastward of it. Here are fine fishing grounds, but it is a very dangerous spot. I have known a vessel go there, and in three weeks leave for home with 1,000 quintals, all of large fish. The other fishery comes in about in June, and then the vessels remain until the end of the season, during June, July, and the early part of August, until they fill up. This depends entirely upon the character of the fishing.

Q. How long is it since they commenced the system of trawling?—A. They have trawled for some years in the gulf. I could scarcely tell you how long.

Q. But around the island?—A. They have trawled there for the last ten or twelve years.

Q. And you think that the fishing has thus been injured?—A. Certainly; so many of the large fish are taken. The large fish, as they are termed, come in to spawn in the spring.

Q. What effect has this on the boat fishing of the islands?—A. When these fishermen are outside, within two miles and half a mile of the shore, the boat fishermen cannot catch anything. A man will have 1,000 or 12,000 hooks, and some vessels are furnished with three miles of line.

Q. How many American vessels would you say frequent the gulf and fish for mackerel each season, speaking from your own knowledge and

the information you have on the subject? Take during the time when the reciprocity was in force—from 1854 to 1866—what would the average number in the gulf then have been?—A. There were a great many some seasons, and afterward this was not the case; some seasons they would number a thousand and more.

Q. There would be over a thousand some years?—A. Yes; I remember being on board the United States ship Winooskie when we counted 500 in one body from the ship's masthead.

Q. Near the Magdalen Islands?—A. Yes; around these islands I should say that the average from year to year would be at least between 400 and 500.

Q. The average would be 450?—A. Yes; during the last year or two we have not seen so many of them, until this year, when more of them have come.

Q. Have you not conversed with the captains themselves and obtained from them information as to how many come each year?—A. Yes; I have asked them often, and some would say 1,200 or 1,500; others, 1,000, &c. Of course, the whole American fleet was in the gulf at the time.

Q. Would not the average be more than 450 each year?—A. I should think so.

Q. Would it not be nearer 600 or 700?—A. I would be safe in saying from 450 to 500.

Q. Are you personally acquainted with the fisheries on the coast of New Brunswick, Nova Scotia, Prince Edward Island, and Cape Breton?—A. Before I was in the customs I was a shipmaster, and I sailed about the coast some, and off the coast I have seen a great many fishing-vessels.

Q. Where is the best mackerel fishery, inside the three-mile limit or outside of it?—A. It is inshore. The large fish come close to the shore; for some reason or other, I don't know why, the small fish keep off. We call them tinkers in that stage.

Q. And tinkers are of no use?—A. They are no good. During the two years past myriads of them have been found in the bay around the Magdalen Islands. They are not larger than smelts.

Q. In two or three years they become large mackerel?—A. Yes; and the large fish come inshore to feed.

Q. Do I understand you to say that the tinkers, the small mackerel, keep out in the gulf, while the large fish are found inshore?—A. Yes; they come into the feeding-grounds.

Q. You are now speaking of the shores in the gulf?—A. Yes.

Q. Do you know anything about the southern coast of Labrador?—A. I have never been to Labrador.

Q. Do the Americans catch many fish along the northern coast of Labrador?—A. There have not been very many there during the last few years; but in former years a great many went there from Cape Cod and the eastern shore about Oastine.

Q. For cod or mackerel?—A. For cod.

Q. You have of course seen a great deal of the American vessels that come to your waters; will you tell us what is their average tonnage?—

A. Their tonnage averages from 60 to 80 and 90 tons. I should say that the average one with another of the American vessels, that have been here during the last few years, would be 75 tons.

Q. What would be a fair catch for a 75-ton schooner, on the average?—A. About 300 or 400 barrels.

Q. For each trip?—A. Yes; they would catch, I should think, during

the season between 700 and 800 barrels. I have known some American vessels make three trips during the season.

Q Since the ratification of the Treaty of Washington have they not been enabled to make three trips a season by means of transshipment?—

A. Yes; vessels transshipped which came this season.

Q. Have they not transshipped during the past several years?—A. Yes.

Q. Have you ever heard any of them say whether that is a great privilege or not?—A. Of course it is a privilege, because it saves the time that would be consumed in going home. They refit and return, and when they find fish, if the weather is fine, they will fill up again in a few days. They generally know where to find the fish, and sometimes they have come back on the same body of fish which they had left.

Q. This really enables them to make a third trip?—A. It is equal to a third where they take advantage of it.

Q. Where do they generally transship?—A. In the Strait of Canso and on Prince Edward Island. The S. W. Perry, a Gloucester vessel, transshipped at Prince Edward Island by the steamer Commerce. Formerly, several went to Charlottetown and transshipped by the Commerce, which was then running.

Q. You have made the average for each of two trips 350. Would it be greater if the vessel made a third trip?—A. Yes.

Q. And, for two trips, that would make 700 barrels in the course of the season. You are acquainted with the mode in which the crews are hired?—A. Yes.

Q. What is the practice in this respect?—A. They go on shares generally.

Q. How many men would a 75-ton schooner take?—A. Fifteen or sixteen.

Q. To catch 700 barrels?—A. Yes.

Q. How many bushels of salt would this require?—A. One and a half bushels will cure a barrel of fish; that is about the estimate.

Q. That would make about 1,000 barrels?—A. Yes. The fishermen have to find their part of the outfitting, such as barrels and bait, and pay the cook. I believe that the cook is the best man on board; he gets wages and catches fish.

Q. What would 700 empty barrels cost?—A. They are worth from 60 to 75 cents a barrel.

Q. Would 700 barrels at 75 cents each make \$525?—A. Yes.

Q. How many barrels of bait would they take?—A. About 80 for a vessel of that description.

Q. What do they pay for it? I suppose there would be a lot of men-haden?—A. The bait would consist of porgies and clams. They would cost from \$4 to \$5 a barrel.

Q. At about \$5, that would make \$400?—A. Yes.

Q. And what would the salt cost a bushel?—A. From 20 to 25 cents.

Q. At 25 cents, 1,000 bushels would cost \$250?—A. Yes.

Q. What about the provision for the whole season. It would last about four months, I suppose?—A. Yes; the provisions I should think would cost from \$10 to \$12 a month.

Q. And at \$12 a month for these 16 men would make how much?—A. \$192.

Q. And four times that would be how much?—A. \$768.

Q. What would be the cost of the other outfittings, lines, and port-charges, &c.?—A. One or two mills to grind bait would be required,

and they would cost from \$12 to \$15 each. The lines, hooks, forks, and such like, used on board would cost about \$150.

Q. Do the mills last for more than one season?—A. O, yes.

Q. They are not used up in one season?—A. They are pretty well used up then, after having been grinding continuously. The knives would be pretty well destroyed.

Q. I believe that the crew have to pay for a part of the packing out?—

A. I do not know what they pay; it is about three-quarters I think.

Q. What does the packing out cost?—A. About 60 or 75 cents.

Q. If 75 cents, it would be, for 700 barrels, \$525?—A. Yes.

Q. And how much, on the average, would these 700 barrels cost?—A. I could not say exactly. The mackerel is sometimes worth \$20, and sometimes \$15. I have heard that it has been sold as high as \$28 and \$30.

Q. Would you call \$12 a barrel a low average?—A. It would be a fair one. I think from \$12 to \$14 would be so.

Q. And at \$12 a barrel how much would 700 barrels be worth?—A. \$8,400.

Q. Will you add up the expenses you have mentioned?—A. They amount to \$2,618.

Q. Deduct \$2,618 from \$8,400?—A. That leaves \$5,782.

Q. And that, according to your calculation, is what such a vessel would make during a season?—A. I suppose that such would be the result.

Q. Suppose that the vessel was chartered from the owners, what do you understand, from your knowledge of the business and the conversation you have had with American shipmasters, would be a fair charter a month for a vessel of 75 tons?—A. I should say from \$250 or \$300 a month.

Q. About \$300 would be the outside figure, in your judgment?—A. Yes.

Q. The owners, in addition, get at least \$1,200 for the charter, and deducting from \$5,782 the amount of the charter, \$1,200, how much would be left?—A. \$4,582.

Q. And dividing that among sixteen men, how much would each get?—A. About \$298.

Q. About \$300?—A. Yes.

Q. That would be over \$71 a month, for four months, for each man?—A. Yes.

Q. Making it \$286 each, what would it be—\$70 and upward?—A. Yes.

Q. That is pretty good wages for them to make?—A. Yes.

Q. As far as you are aware, the American fishermen who come to our ports do not confer any special advantage at all on our people?—A. Not any very great advantage, because they do not deal with us to any great extent, as far as the Magdalen Islands are concerned. They do not lay out any money there except a few dollars for extra labor required in their fishing operations.

Q. And that is merely an individual matter—it is of no general benefit at all?—A. No.

Q. Is the right of fishing in the American waters of the slightest benefit whatever to any Canadian fishermen, as far as you know?—A. I never knew any one go from our neighborhood to their waters.

Q. What do the Americans themselves say about their own waters?—

A. That they were overfished, and that the American fishermen have destroyed them by their mode of fishing.

Q. What do they say about the privilege of fishing inshore on the

Canadian coast?—A. That it is a very great privilege, because they are not stopped as they were some years ago by the Dominion police, and annoyed, now that they have free access to our waters.

Q. In your opinion, and in theirs also, without that privilege they could not prosecute the fisheries in the gulf at all?—A. No; not successfully.

Q. Then they would not come at all; they would not do so from year to year and ruin themselves, not being successful?—A. They could come here in a manner, but their time would be lost. It would not be worth their while to come.

By Mr. Dana :

Q. Did you say that you were a native of the Magdalen Islands?—A. No; I am an Englishman by birth. I spent my early days in the United States, and latterly I have lived in Canada.

Q. When did you come to these islands to live?—A. My appointment in the customs dates from 1852.

Q. Was that the beginning of your residence there?—A. I had been backwards and forwards to the islands for several years previously.

Q. Was that the beginning of your residence there?—A. It was the beginning of my permanent residence. I have only been absent four or five times since, and only in the winter season.

Q. Where did you then go?—A. In part to the United States and in part to Halifax, in Canada. Two years ago I was in the United States.

Q. What do you understand that the Americans gain in the way of rights at the Magdalen Islands by the Treaty of Washington of 1871?—A. The privilege of fishing from the shore; and if this Swedish market is going to prove profitable, as I presume will be the case, they have the great advantage of doing as they have done during the last two years, landing without being subject to any warehouse or customs regulations, and curing fish on the shore. This is very valuable.

Q. Do you understand that the Americans are given that right by the Treaty of Washington?—A. I understand so.

Q. By the treaty of 1871?—A. Yes.

Q. Do they gain that by the treaty?—A. They gain the privilege of landing without being subject to customs regulations; and 1,000 barrels with a 17½ per cent. duty would make one item of expense. The next benefit they enjoy is the privilege of putting the barrels on shore without being subject to warehousing, &c., for which they would have to pay. This is a very great privilege.

Q. What rights do you understand that the Americans gain by the Treaty of Washington in your island?—A. I understand that according to this treaty they have the privilege in common with ourselves of carrying on the fisheries on land; previously they did not have the right to land their fish.

Q. You think that they thus gained the right to fish from the shore?—A. Yes; also of drying and curing their fish on shore.

Q. Do they gain the right of fishing on shore?—A. I do not see much of a right in fishing; but the privilege of packing and curing their fish on shore is a great advantage.

Q. They do not land to catch fish from your rocks or beaches, do they?—A. They haul in the seines from the shore.

Q. Do you understand that the Treaty of Washington gives the Americans the right to land and haul their seines on the Magdalen Islands?—A. I do.

Q. They gained that right by this treaty?—A. Yes; previously, although they did so for many years, it was only with our permission.

Q. Do you understand that they gained any other right by this treaty?—A. They could land their outfittings and pack and cure their fish, and also erect buildings.

Q. They have thus obtained the right to erect buildings for fishing purposes?—A. Yes.

Q. And also to erect buildings to lodge in?—A. Yes.

Q. They also obtained the right to land their salt barrels, &c.?—A. All fishing outfittings.

Q. They could take them on shore?—A. Yes, and ship them at the end of the season.

Q. And you understand that all these rights were gained through the Treaty of Washington?—A. Yes.

Q. Is that the way in which your people have been instructed?—A. Various instructions have been issued in this regard.

Q. In your conversations is that the general opinion on the islands?—A. I am not aware that I have had any conversation respecting it, other than when this man came from Provincetown, and put up these establishments there, they themselves assumed that they had authority to do so under this treaty. They told me so when I said that they had no business to land. They alleged that under this treaty they had a right to land where they liked, and erect buildings and do as they chose. I did not myself so understand the treaty. I told them that they had no right to land without permission. I did not, however, interfere with them, and always allowed them to do so.

Q. I asked you how you understood the Treaty of Washington, and you answered differently?—A. It gave them the privilege to land and erect buildings.

Q. Then you agreed with them about it?—A. Yes.

Q. And at the same time you gave them permission to land?—A. Yes.

Q. Have you never written for instructions to headquarters to know whether the Americans had the right to land and erect buildings?—A. I have written to the inland revenue department, but I was led to understand last year that I was not to take any proceedings until further instructions arrived, as the treaty was pending and nothing was settled, and to let things remain as they were. I asked what should be done under the circumstances, but I received no further instructions respecting it. It was understood that the arrangements to be made under the treaty were pending, and that we were not meanwhile to get into trouble with United States citizens.

Q. Did you tell the authorities that you had told this American captain he had no right under this treaty to land, erect buildings, or transship?—A. He told me he had such a right.

Q. And then you wrote for instructions?—A. I stated in my annual report in autumn what I had done.

Q. And the answer you received was not to interfere?—A. I did not obtain an official answer, but so I was given to understand.

Q. How were you so given to understand?—A. I heard indirectly that I was not to interfere with United States fishermen in consequence of this treaty being pending.

Q. How did you hear that indirectly?—A. In conversation with persons on the mainland, during the winter season. I reported the facts late in the autumn. This occurred last year. I have had no reply from the department, but I was told, as I have mentioned, by several parties.

Q. You received no official information on the subject?—A. No.

Q. Either by letter or word of mouth?—A. I received nothing of an official character in this respect.

Q. Have you obtained any information on the point which you considered to have come directly or indirectly from an official source?—A. Nothing, save from hearsay, from parties outside. Nothing was directly communicated by the department. I have had no reply.

Q. Then what you did rests on your own responsibility; you could not hold any one else responsible for it?—A. No.

Q. To what extent have the Americans erected buildings on the Magdalen Islands?—A. They have put up a dwelling-house and fishing stages. We have four establishments there now. I have with me a manifest from Provincetown of the articles they brought with them. The men left on the island are connected with vessels which fish outside; these vessels are fitted out for summer fishing; they land two men and a number of nets, lines, provisions, barrels, &c.; in the autumn they call for these men and take away the catch, which they ship home in some other vessel from the Strait of Causo; they clear at the custom-house what they take away.

Q. They give you an invoice?—A. A manifest.

Q. Then you can compare the manifest with what they landed?—A. Yes.

Q. Then you are satisfied with that arrangement?—A. In this way: I considered that these things were intended for fishing purposes, with the exception of the provisions. I had no instructions to subject them to warehouse or custom regulations, any further than I should see that they had no goods for sale with them.

Q. You saw that they brought no merchandise for sale?—A. Yes; but they brought ashore fishing-gear, salt, &c.

Q. How many such cases have occurred within the last two years?—

A. The first year one establishment was erected and last year four. The former used 135 nets and the latter 120 nets.

Q. What do they catch in their seines?—A. Mackerel, cod, and fat herrings.

Q. Do they buy anything on shore to supply their wants?—A. I suppose that they would require to purchase something while on shore. They bring provisions with them, such as flour, &c.; they might buy small stores, such as a pound of tea, &c., but it would not be to any great extent.

Q. This would be of some little benefit to the people?—A. Yes; but more of a benefit to themselves, of course.

Q. Still it is a benefit?—A. Yes; the men mentioned have done very well since they came there; they have caught a good many fish.

Q. How do the American vessels save lighterage?—A. For the Swedish market the fish have to be packed in a peculiar manner; they must be taken before they spawn, when the roe is in them, and when they are large and full. They are no use afterward, and this has got to be done during the short time that these fish are on our coast. The men, consequently, must catch a great many and attend them at their leisure.

Q. You speak of Swedes?—A. Yes; I refer to the American vessels which take fish to the American Swedish market. A vessel requiring 3,000 barrels would be a large vessel. The Hattie H. Grove, of Gloucester, required so many; and these could not be caught and cared for in a short time on the deck of a vessel. They must either, for such a purpose, bring some other vessel as a tender or lighter and load outside, discharging and packing the empty barrels afloat, or they must land the barrels on shore. Now they came to ask permission to land the barrels as they could not find room for them on the deck of the vessel, and, at the same time, prosecute the fishery. They took the barrels off shore

at their leisure, and I allowed them to do so. Several hundred of them were landed on the beach. Last year they packed the fish on the shore, to which place the fish were brought. You will understand that when fish are thrown into a barrel they will sink, and a barrel, when well packed, will contain about a barrel and a half of fish in the ordinary state. They pay from 6 to 7 and 8 cents for packing.

Q. Who does the packing?—A. Their own people and girls and women who live on shore.

Q. They employ people who live on shore to help them?—A. Yes; and they pay about 9 cents a barrel for it—from 8 to 10 cents a barrel for taking out the gills and packing. These persons have principally come from Gloucester; they bring their barrels and load their vessels. One firm from Gloucester brought two vessels to fish and load; one vessel was loaded and sent to Sweden.

Q. If they do not bring their own lighters, they use boats which they obtain from the shore?—A. They land the barrels on shore, and pack them after the fish are once taken.

Q. What boats do they use for landing?—A. Their own. Each vessel will have four or five boats.

Q. They will do what business is required?—A. Yes, they have seines with them; the fish are hauled in the seines and brought into the harbor and put into the barrels from the boats.

Q. The fish are taken on shore in the boats?—A. Yes.

Q. This does not apply to mackerel?—A. I am speaking of herring. No mackerel are caught, to any extent, except by these Provincetown people. This business is only in its infancy now, but next year I presume that a much larger business may be done.

Q. Are their boats brought all the way from the States; do they not hire boats at Canso and elsewhere for the purpose?—A. Some bring their own boats and others hire their boats. Some bargain with the people to bring the fish out of the seines on shore; 3 or 4 cents a barrel is paid for this work. The fish have to be caught there in a very short time. Once barreled they are saved with salt.

Q. They want to land the fish?—A. Yes.

Q. And that must be done quickly?—A. Yes.

Q. And sometimes they employ people on shore in this relation?—A. Yes; a boat will carry from 20 to 30 barrels of fish.

Q. It depends on the quantity they have to land?—A. From 2,000 to 3,000 and 4,000 barrels will be landed about the same time.

Q. This makes things pretty lively in the neighborhood?—A. I have counted 700 boats in operation at the same time.

Q. Do you keep many boats on the island?—A. Of course; the fishermen there own several hundred boats.

Q. You say that the mackerel spawn about the Magdalen Islands?—A. Yes.

Q. They spawn, also, on the numerous banks and shoals in the Gulf?—A. Yes.

Q. Then you say that after they have spawned they leave the islands?—A. Yes; and go into deeper water, off shore, until they recruit, I presume, because they are sick, or are supposed to be so after spawning. As soon as they come in, the scales fall off their eyes. Sometimes they are caught with half of these scales on.

Q. When do they come back?—A. In about three weeks or a month sometimes. I imagine that this depends a great deal on the temperature of the water. When it is very raw and cold, and there is a good deal of ice, they are later. The latest period ever known is about the

12th or the 15th of June; but they generally come about the 1st of June.

Q. You consider it dangerous for vessels to fish off the Magdalen Islands?—A. It is considered to be a very dangerous coast.

Q. The safe course to pursue there is to have boats to go out in and to come right back in?—A. Yes; from the shore.

Q. And they haul the boats upon the shore, where there is no harbor?—A. In Amherst Harbor they can float, but in many places they have to haul them up on the beach every time they come in.

Q. Do the Americans hire boats for fishing?—A. When the fish were found to be close inshore I have known them to come to our place and get vessels.

Q. And hire boats when the fish were close inshore?—A. Yes; and go on the other shore and fish.

Q. Do they hire boats to fish close in on your own shore?—A. No; they do not fish on our shore for mackerel, unless the wind is offshore. It is unsafe for vessels to do otherwise. A boat could not fish for mackerel around our shore outside, except at the mouth of the harbor, from whence they can run back immediately. For three weeks previous to my departure no boats dare go out of the harbor. The fishermen there are doing nothing.

Q. Have you had any experience with respect to the offal grievance at your island?—A. O, yes; in the spring of the year, while they are dressing the fish, when the offal is driven inshore you can scarcely stand on the beach in consequence of the offensive odor emanating from it. This is not the case so much with mackerel offal, because mackerel are not taken on our shores in sufficient quantities to cause such an effect; but hundreds of thousands of barrels of herring are taken along our coast.

Q. What do your people do with the offal of the herring which they catch?—A. They bring it on shore.

Q. Who do not do so?—A. The men on the vessels which come into the harbor.

Q. If the vessels lie in smooth water in the harbor, then you think that the offal is a nuisance?—A. Yes; or when they are near the shore.

Q. Suppose that they are a little distance off, a mile or two, where the sea is disturbed by the wind, is it a nuisance then?—A. The Magdalen Islands in this respect would be an exception to the general rule; the sea being very seldom smooth there, of course this disturbs the offal, but when this comes on shore it is very offensive. The water in the harbor is only 10 or 12 feet deep.

Q. The harbor is very shallow?—A. Yes.

Q. Have you no regulations prohibiting the throwing of offal into the harbor?—A. Yes; but it is very difficult to put them in force. I do all I can to prevent it, but one man can scarcely perform this duty all alone, so far from the reach of the strong arm of the law.

Q. If the vessels are drifting while the offal is thrown overboard this does not come in in a mass?—A. No.

Q. Do you speak of the offal of cod or of mackerel or of herring?—A. I refer to herring offal. Cod offal is a different thing. It is much more destructive and injurious to the fish, in my opinion, than the other.

Q. Cod offal is worse than mackerel or herring offal?—A. Yes; much more so.

Q. But you are not troubled with much of this offal?—A. Not when they fish offshore. They generally fish for cod on these banks and shoals. The fish become poisoned with the offal that is thrown over-

board, and leave the grounds. The water is polluted, and besides a quantity of other fish and of roe is thus destroyed.

Q. Why do the fishermen act in this manner?—A. I have asked the fishermen that question, and they say that they have fitted out to catch fish, and are bound to do so; that they must catch the fish; and that if they do not follow this method their neighbors will. The grounds are, in fact, at times, made so foul and so polluted that they themselves have to leave them.

Q. Are they not thus destroying the catch all the time?—A. Greater difficulty is now experienced in catching cod than was the case formerly. The fishermen consequently complain of this. I may say that they admit they are ruining the fisheries; but they do not mind that. They say these will last their time. In my opinion a great advantage would be gained if the two governments could unite and forbid seining and the use of trawling-lines for a number of years. Some mode should be contrived, by means of boxes or chests placed on board vessels, for the deposit of this offal, then the vessels could run inshore every week and throw it overboard. The present practice does a great deal of harm to the fisheries. It is very destructive.

Q. It could be taken out into the ocean, clear of the banks, shoals, &c.?—A. Yes.

Q. The tide or a strong wind or anything of that kind would disperse it, would it not?—A. Around the Magdalen Islands the water is not usually deep, but shoaly. It has a depth of from six to seven fathoms, at least, within two or three miles from the shore; while at the same distance from the shore in New Brunswick it is to be found from 50 to 60 and 70 fathoms in depth.

Q. What proportion of the men employed on board American vessels during the last 25 years have been, in your opinion, British subjects?—A. A great many have been so. I think that two-thirds of them have been British subjects.

Q. And do they usually work on shares?—A. A few work on wages.

Q. You have no vessels on which to employ the people of the islands?—A. We have very excellent fishing-boats, and about twelve or fourteen schooners.

Q. Where have the large proportion of fishermen found employment, on board American vessels?—A. Not our men; they are generally employed by the Jersey houses and the Labrador fishermen.

Q. Take British America altogether, United States vessels furnish employment to two-thirds of the entire crews?—A. Yes.

Q. There are not many vessels in British America, over 60 tons, engaged in fishing, are there?—A. I think within the last few years there has been a larger class of vessels, some 90 or 95 tons.

Q. Not many?—A. Not many. About 60 tons would be a fair average for our vessels.

Q. You have none; they have none about Gaspé or what we call the West Coast?—A. They all pursue boat-fishing there.

Q. And there are only 40 at Prince Edward Island. So that taking the whole together, the number of vessels that would go out to be gone weeks, and cure large quantities of fish, is but few in all British America?—A. But these people don't return again to the island. Two-thirds of them become residents of the United States and become naturalized.

Q. You don't know that?—A. If they don't become naturalized they pass as Yankees. I must say it is unfortunate that some of these

people give us the most trouble. They are all Yankees and they claim the protection of the stars and stripes.

Q. You were asked some questions, the object of which seemed to be to ascertain how much a fisherman made on an American vessel, you supposing that the vessel had on board 350 barrels. Is that the number?—A. Yes; about that. That is what I have heard them say, and that is my experience; if they fit out for 400 barrels, 350 would be the average.

Q. That would be 350 barrels put on board?—A. Yes; each trip.

Q. Making, if they have two trips, 700 barrels?—A. Yes.

Q. You have supposed all these barrels to be taken home full?—A. Yes; they generally remain there until they can fill them, if possible.

Q. You assume that every barrel went home full?—A. Yes.

Q. Then, when you made up your account and took the product of all those barrels full, and ascertained the crew's share, did you deduct what the crew's share was worth from the whole sum, or from the owner's half?—A. We deducted the expenses; assuming the mackerel to bring \$12 per barrel in the United States, there would be received \$8,400, from which deduct \$2,618.

Q. Do you deduct from that the crew's share?—A. The crew would have half the fish; \$5,782 would remain between ship and crew.

Q. What do you deduct from the gross sales of the 700 barrels?—A. I deduct outfit.

Q. What do you mean by outfit?—A. Barrels, salt, bait, provisions, lines, and packing.

Q. What do you deduct in the first instance?—A. I deduct the whole cost of the outfit.

Q. With regard to outfit, does not the owner furnish the salt?—A. Yes.

Q. You take, in the first place, 700 barrels, at \$12 per barrel, which gives you \$8,400. What do you deduct before you divide between owners and crew?—A. I deduct the cost of the barrels, salt, provisions, and lines.

Q. How much do you allow for each? What is the first item to be deducted?—A. Barrels.

Q. How much is that?—A. 700 barrels, at 75 cents each, or \$525.

Q. What is the next item?—A. Salt; 1,000 bags, at 25 cents each, or \$250.

Q. What next?—A. Provisions, \$768, taking 4 months, 16 men, at \$12 per month each. For packing out, \$525.

Q. Do you take that from the gross sales?—A. Yes.

Q. Do not the crew bear a share of that?—A. Yes, but we calculate that after. The crew bear half of that. That is what I have heard it cost for packing when they arrived home.

Q. You mean packing out when they reach home at Gloucester, before the fish are put in the market?—A. Yes.

Q. What next do you deduct from the gross sales?—A. There is the crew; they would have half of the fish.

Q. Have you deducted all you wish to deduct from the gross sales?—A. There is the charter of the vessel.

Q. Have you deducted all you intend to deduct from the gross sales? What would you put the provisions at?—A. At \$768.

Q. Next to provisions, what do you deduct from the gross sales?—A. That is all.

Q. How much does it amount to?—A. \$2,418. No, these items only amount to \$1,218.

Q. Is there anything else which should be deducted?—A. There are barrels, salt, provisions, lines, packing out, and charter.

Q. How much for lines?—A. \$150.

Q. Packing out how much?—A. \$525.

Q. Can you think of anything else to be taken out of the gross proceeds of the sales?—A. Half of the fish for the crew.

Q. Are you sure these items come to \$2,418?—A. They amount to \$1,218.

Q. Do you now divide?—A. Yes.

Q. How much is half the catch?—A. \$4,200 for half of the fish.

Q. From \$4,200 deduct that amount, is not that the next process? What is the result of it?—A. \$2,982.

Q. You leave the crew how much?—A. The crew would have \$4,200 less half of the expenses they have to pay.

Q. You have \$8,400 as the gross receipts of the sales; how much was the amount you found you had deducted from the \$8,400?—A. The amount of the expenses as they appear is \$1,218.

Q. Will you state what items compose \$1,218?—A. \$525 for barrels, \$250 for salt, \$768 for provisions, \$150 for lines and so forth, and \$525 for packing out.

Q. You have made a mistake in your addition; what is the amount now?—A. \$2,218.

Q. The result is \$6,182; is that what you make it?—A. Yes; \$6,182.

Q. Has any item been omitted which should be deducted?—A. This would be the sum of money due between the owners and the ship.

Q. What is the half of that?—A. \$3,091.

Q. Is there anything to be deducted from that half before you divide it among the men?—A. It is to be divided among the men.

Q. How many men do you allow for?—A. There are sixteen men. They have to pay the cook something.

Q. How much for the cook?—A. I cannot remember what sum I gave.

Q. You must give us the amount according to your knowledge?—A. About \$30 per month.

Q. That would be \$120?—A. Yes; I should think so.

Q. Do you think the cook's amount should come out of the whole sum?—A. Out of the crew's half.

Q. Does not the owner pay half?—A. I don't think so.

Q. The crew's half is \$3,091?—A. Yes.

Q. I want you to find out how much each man gets, supposing there are 16 men.—A. Each man's share is \$222.

Q. \$3,901 you have reckoned is the crew's share. Now deduct \$120 for the cook, and how much does it leave?—A. I make the whole amount \$7,073 that would be due.

Q. No, \$6,182 you made it out to be.—A. There are other things to be reckoned. Those things are only part.

Q. Did you not have \$6,182 as the gross result, after you had made deductions?—A. Yes, \$6,182. There is something to be added to that again, because the crew pays half of that. The way I make it out is this: the crew's share would be \$4,200, less half they have to pay.

Q. So you would divide the gross gains into two parts?—A. \$8,400 is the gross sum, half of which the crew would receive, less the amount they would have to pay to the outfitters.

Q. Supposing \$4,200 belonged to the crew in the first instance, what items do you deduct?—A. I deduct half of the barrels, half of the packing out, and the cost of the cook.

Q. What is half of the barrels?—A. \$262.50; half of the packing out is the same sum, \$262; for the cook, \$120; making \$645.

Q. Is there any other item?—A. I don't see any other item.

Q. Don't you allow anything for inspection?—A. That is what we call packing out. I have not been in the business myself, but that is what I have heard.

Q. Do you know whether the crew pay for the inspection or any share of it?—A. 75 cents per barrel pays for packing and inspection.

Q. You have not said anything about bait?—A. The bait is to be added, \$400, half of which is \$200. I omitted the item of bait.

Q. Can you make anything out of the calculation?—A. I make the same items you have got there, but I scarcely understand what you wish me to do.

Q. I want you to find out what each man makes?—A. \$209 each. If the crew are the outfitters of the vessel and charter her, the share of each will be \$284.

Q. Have you, since you gave the previous result, added something to the crew for charter?—A. I have done so.

Q. How much do you charge each man for charter?—A. The charter is out of the whole.

Q. Have you deducted the charter from the gross sales? Would you do that? It is not in any of your items?—A. The crew would receive at first \$3,355, but there would be the charter, \$1,200.

Q. The last time we heard from you, I think you began with the crew's half at \$4,200?—A. \$4,200 less \$845 for half of bait, the whole pay of the cook, half of packing, and half of barrels, which gives \$3,355. That would be their share of the fish.

Q. What sum is half of the barrels?—A. \$262.50; half of the packing, including inspection, is the same amount, cook \$120, and half of the bait \$200.

Q. Do you suppose all the bait to be bought at Gloucester?—A. Yes, for the whole voyage.

Q. All the bait purchased and shipped at Gloucester?—A. It could not be purchased anywhere else—the same description of bait.

Q. What is the next item?—A. That is all I deduct from the crew, but I give them the benefit of the charter of the vessel.

Q. Have you added to \$845 anything?—A. I have deducted \$845 from \$4,200.

Q. Having got \$845, have you added anything to that?—A. No.

Q. Nor deducted anything before you divide the amount among 16 men?—A. No. The crew are entitled to \$4,200, less \$845, which leaves \$3,355.

Q. What do you do with that? Do you divide it by 16?—A. Yes; with the addition of \$1,200.

Q. When did you add \$1,200—at what stage?—A. It is assumed.

Q. It is assumed that they pay nothing for the charter?—A. The owner gets the benefit of that.

Q. Why did you not divide \$3,355 into 16 parts at once?—A. That would be \$209. I take \$209 as the share of their fish.

Q. Have you deducted anything else? You spoke about charter; have you deducted anything for charter?—A. The men got that; somebody must have the \$1,200.

Q. Where did you get the prices at which you have calculated the different articles?—A. I assume them to be correct; these are the prices which I suppose are paid.

Q. When you put down so much for salt, bait, and barrels, where do

you get your information?—A. My position leads me to know the prices of these articles, as many of them pass through the custom-house.

Q. And also the price of mackerel?—A. I know they have varied in the United States market from \$10 to \$25.

Q. You never knew No. 3 mackerel to be \$25?—A. Very few which they catch are No. 3.

Q. You count them all No. 1?—A. No. 1 and 2. No. 2 from the provinces will, in many cases, prove No. 1 on inspection.

Q. You have spoken a good deal of the Swedish trade; to how large an extent is it being carried on from the Magdalen Islands?—A. It is in the second year.

Q. How many fish were exported to Sweden last year?—A. 900 barrels, one vessel only. The Herman Badson, of Gloucester.

Q. How much did the herring cost per barrel?—A. The captain himself told me that they cost \$2 per barrel on board.

Q. That was the extent of the Swedish trade last year?—A. Yes, last year.

Q. The returns are not made up for this year?—A. About 9,000 barrels will be sent this year.

Q. You know that between January 1 and December 31, 1876, 900 barrels were sent at \$2 per barrel.—A. Yes.

Q. No accounts have been made up for this year?—A. There are one or two vessels on the Newfoundland shore—

Q. It is an experiment altogether this year?—A. Yes.

Q. You don't know how it will turn out?—A. No. They are going into it pretty largely.

Q. Do the returns show that 38,000 barrels, valued at \$76,000, were exported to the United States?—A. Yes.

By Mr. Thomson :

Q. In that last calculation made by Mr. Dana, where the crew take half the proceeds, what have you to do with the charter?—A. Nothing to do with it. The men receive \$284 each out of the whole proceeds, or about \$70 per month.

Q. In regard to the different items you gave for provisions, salt, barrels, and so forth, did you get the information from captains?—A. Yes.

Q. The prices were fair prices, as you understood from the captains?—A. Yes, from my conversation with them.

Q. In the calculation you made in answer to my question, the vessel was assumed to be chartered by the crew?—A. Yes.

Q. Therefore the charter did come in?—A. Yes; we spoke of how much the charter would be. We had \$3,355, and throwing in the charter of the vessel would make the sum \$4,550, giving each man \$284.

Q. The calculation you made to me was not a calculation based upon the crew dividing at all?—A. No.

Q. Mr. Dana's calculation assumed that the crew were not the charterers, but were being paid by taking half the catch?—A. Yes.

By Sir Alexander Galt :

Q. Could you inform me whether farming is pursued to any extent on your islands?—A. Yes.

Q. There is an agricultural population?—A. Yes; and we have an Agricultural Society there.

Q. Are you more dependent on your fish than on your lands?—A. For the last few years they have cultivated a great deal. There are some fishermen who can live entirely on their farms.

Q. You have farming land on your islands?—A. Yes, a great deal.

By Mr. Foster :

Q. Don't you bring your provisions from abroad ?—A. We get flour from abroad.

Q. In 1871, when some of your vessels laden with provisions were lost, did not the Province of Quebec raise a subscription to prevent your people from starving ?—A. They raised a subscription.

Q. And sent a vessel loaded with provisions ?—A. They sent it in this way. It was at the very close of navigation, and the report was spread that the whole of our fishing fleet, 12 or 14 vessels, had been lost, and the Federal Government sent a vessel down with provisions to supply the people's wants. Some of the flour is not disposed of yet.

Q. Do you mean to say that the people raise anything like provisions sufficient to supply themselves ?—A. Not flour.

Q. General provisions ? Do they raise provisions enough of any kind to support themselves ?—A. Butter and meat, with the exception of pork. Fishermen use a great deal of pork.

Q. If you did not have provisions imported from abroad, would your people be kept from starving ?—A. Yes ; I think so.

Q. See whether this was true in 1871 :

The inhabitants and fishermen of the Magdalen Islands were as usual permitted to catch herring for their own use when foreign fishermen allowed them to do so in their seines and supplied them with salt to cure them. It is a matter of wonder as well as regret that this population, which, in other matters, is full of energy to encounter the hardships and perils of the sea, and marked with other good qualities, should be so remiss when their own welfare and progress are concerned. Herring is the greatest source of the waters surrounding the Magdalen Islands ; it is upon this product the inhabitants mostly rely for their winter supplies. Still, strange to say, for the last sixty years they have not yet succeeded in fishing for themselves, being entirely dependent on the kindness of mere strangers for the principal article of food. In vain do they witness the abundance of food which a kind Providence brings to their very doors ; in vain, too, they, every season, see strangers come from distances of 500 miles, or more, to reap this rich harvest and pocket large profits ; nothing moves them. Should you try to give them encouragement and advise them to form partnerships by slugging thirty or forty together, and thus procure seines and salt, and catch the fish, and after taking their own supply sell all the balance to foreign traders who would only be too happy to buy them, your kind intentions are met with the most flimsy objections. It is, therefore, no wonder that they have remained what they were sixty years ago. They give you their own reasons to account for their poverty ; but the more I see of them the more I am convinced that this poverty must be traced to other causes.

Is that a just account of the people of your island ?—A. Of some of them.

Q. Is that a just account of the state of your people ?—A. If you look further on you will see the exports, even oats and grain.

Q. Is it a just account of the state of the people in 1871 ?—A. I say it is not, because although the people are indolent—a great many of the French people—nevertheless, I think if we were thrown, of necessity, on our own resources, we could grow sufficient to keep the whole. There are 78,000 acres of land to support 4,000 people.

Q. Do you think that is an unjust account ?—A. It is an account from superficial observation ; from an idea the writer has had.

Q. Try 1871.—A. Government report says :

I took occasion, in my last report, to allude to the little forethought evinced by the islanders in providing means for successfully prosecuting the herring fishery, upon which they mostly depend for the support of themselves and their families when the other fisheries or the harvests fail ; but never was that improvidence of the future more clearly seen than during the past year, and never was it followed by such disastrous results up to this year. Only a few of the most prudent and enterprising of the fishermen had sufficient forethought to secure previously the salt required for the curing of their fish, the remainder depended upon the local merchants and strangers for their supply of this article. But when salt arrived too late at the stores, or the foreign

fishermen had no need of the services of the islanders, their position became rather precarious. It happened thus this year. For several years past the owners of foreign fishing vessels used to repair to the island with about half the number of men required to secure a prompt cargo, engaging fishermen from the island to help them. The latter secured salt in payment for their services, and were enabled to secure some fish for their own use, if the fishery was not over. They frequently took advantage of the foreigners and overcharged them, in consequence of which foreign vessels began to make their voyages with full complements of men; this year especially every schooner from abroad was manned with a complete crew, and for want of salt the islanders were unable to take advantage of the splendid run of fish, while the limited quantity which was pickled was prepared in a bad condition. Several of these poor fishermen, unable to procure the necessary salt to preserve their winter's supply of fish, have been seen gathering the pickle flowing from the vessels' pumps, and with this stuff pack away the fish required for the sustenance of themselves and their families for the very long winter. One can imagine from this in what a state of destitution these people will be next spring.

Q. Is that correct?—A. I never knew any person die of starvation there.

Q. The government sent a schooner there that very year laden with provisions?—A. We have always a stock of provisions during the winter.

Q. Did not the Province of Quebec subscribe a sum of money and send a load of provisions in a government steamer to keep your people from starving?—A. Two years ago it was reported at the very close of the season, when navigation was closing and ice was forming, that the whole of our fishing fleet, twelve vessels, and others, had been lost off Cape Breton. Application was made to the Government of Quebec, and they voted a sum of money, and the Federal Government sent provisions. They supposed the statement was a fact. It was not a fact, for only three or four were lost. The instructions were that those who had lost flour and could not afford to pay for it were to receive it gratis, and others were to pay for it. A portion of it remains still not disposed of. There was a great quantity of provisions that year, quite sufficient to supply the people of the island.

Q. You do raise enough, in spite of what the reports state, to support yourselves?—A. Yes.

Q. And to export oats?—A. Yes, we export oats almost every year. Some of the farmers milk as many as 50 or 30 cows. You can find as good grazing land as you can imagine. There are 78,000 acres of land, and half of it is in a good state of cultivation. There is excellent wheat, barley, and potatoes in abundance. The people are more in the habit of carrying on fishing than of cultivating the land. The French Canadians have been brought up to fishing and won't cultivate the land.

No. 14.

MONDAY, August 13, 1877.

The conference met.

GEORGE MACKENZIE, of New London, Prince Edward Island, fisherman, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. How long have you resided at New London, in Prince Edward Island?—Answer. All my lifetime.

Q. Have you been engaged in the fisheries?—A. Yes.

Q. For how long a time?—A. For the last forty years.

Q. What particular branch of the fisheries did you chiefly follow?—A. The mackerel fishery.

Q. Go back to the year 1840. How did you fish then?—A. I fished in a vessel then, in my own vessel.

Q. Have you ever fished in American vessels?—A. No, sir; except for a few days.

Q. You have always fished in British bottoms?—A. Yes.

Q. When did you give up that kind of fishing?—A. I gave up vessel fishing about six years ago. Since that I have prosecuted the fisheries with boats.

Q. What was the size of your vessel?—A. First and foremost I fished in my own vessel of 34 tons; latterly, in a vessel of 53 or 54 tons.

Q. The first was a smaller one?—A. Yes.

Q. When did you get a larger one?—A. About twelve years ago I got one of 54 tons.

Q. Will you be kind enough to describe the places where you took your catches? What time would you begin?—A. I used to go out when the mackerel were fat. Some years I would go when they were poor, in June; but generally the mackerel get good about the first of August. I would go out at that time and commence from our own shores. Then I would go around the North Cape, and over to Escuminac, from that along the west shore to Miscou, then up the Bay Chaleurs. If we would not find them plenty, we would go down the north side of Gaspé and up to Seven Islands. By that time we would perhaps have a fair catch and return, catching all the time. We would return to East Point.

Q. Did you go along the shores of Cape Breton at all?—A. Very seldom. We would go about the 1st of September along the shore there; but we used to find it rough and did not care much about fishing there. We would, perhaps, lose our vessel. We would return, stopping a while at Georgetown, and go up twenty or thirty miles, up the island, with the fleet sometimes.

Q. During these years did you fish in company with the American fleet?—A. Yes; always in company with them.

Q. Is the mode of fishing along Prince Edward Island the same as at Seven Islands?—A. No. At Seven Islands they could not do anything out in deep water; the tide is too strong. Down the southern side of the St. Lawrence it is the same way.

Q. From Bic down how would you have to fish?—A. We would have to be very close in, moored to the shore.

Q. And was that the practice adopted by the American vessels too?—A. Yes; they must fish along the shore. That is when the wind is off the land.

Q. Was that a good fishing ground?—A. Yes; we got the best mackerel there.

Q. What is the reason for the mackerel keeping close to the shore?—

A. The feed, I suppose. The shrimps that grow on the rocks, and other little insects, and the lantz fish. That is what we think takes them inshore.

Q. Have you fished much down the Bay Chaleurs?—A. Yes; the most fishing I have done has been about the Bay Chaleurs.

Q. Now, I want to ask you with reference to that bay. Describe, if you please, whereabouts the best fishing grounds in the bay are, and where the fish are taken.—A. When the wind was southerly the fish were taken from Miscou to Caraquette, along that shore about a hundred miles. When there was a northeast wind they would try the other side down to Bonaventure, from Paspebiac and all in there. That is the way the fleet works. It depends upon the wind. They fish either

along the south or the north shore of the bay, according as the wind is blowing.

Q. How far from the shore are these fish taken?—A. We have taken them a mile from the shore. Sometimes less, sometimes two miles; not over two miles at any time. The water is deep.

Q. Now, Bay Chaleurs is a large bay, is it not?—A. Yes; it is twenty miles across at the lower part.

Q. In the center of the bay is the fishing good?—A. Sometimes when the mackerel are crossing or leaving there is very good fishing about the middle of the bay. They then strike in and do well enough.

Q. It is just when they are coming in or going out?—A. Yes.

Q. The fish do not remain there?—A. No. About September you will find them sometimes in the center of the bay—that is, going out, and about the middle of July coming in.

Q. Can you give the Commission an idea of the proportion of the mackerel in that bay, taken in the center or outside of the limits in the bay?—A. The catch for the season? Not over one-third, if there is that itself; but when there is a catch it is a very good one.

Q. They take them in the center as they are coming in or going out?—A. Yes.

Q. But are they sure to strike them?—A. Only sometimes. We try very often and miss, but we hit it sometimes. We would have to follow the rest; that is the way we would find the fish.

Q. I understand that the main bulk of what is caught in the bay is taken around the shores?—A. Yes. If I took you up I could show them to you now all along the shore quite plenty. This is the very time they are around the shores.

Q. After you come out of the Bay Chaleurs and come down the shore of New Brunswick, how is it with reference to the shore line; do you keep in?—A. Well, after the mackerel leave the Bay Chaleurs, part goes down the gulf, but the greater part strike from Miscou to the island. We follow them down the bight of the island.

Q. Have you fished along the west shore of New Brunswick?—A. Yes; mostly every season.

Q. In company with the American fleet?—A. Yes.

Q. What distance from the shore do they fish?—A. Right around close in from Miscou up to Miramichi, off Escuminac, and as far as Richibucto.

Q. When you make use of the term "close in," what do you mean?—A. Well, close in is one mile from the shore; from that to two miles.

Q. Where did you speak of—from Bay Chaleur to what place?—A. To Miramichi and down. That is what we call the west shore, from Richibucto down to Miscou. We fish all inshore there always.

Q. Between Bay Chaleur and Prince Edward Island you have Bank Oliphant and Bradley Bank?—A. Well, Bradley is off the North Cape. On a clear day you can see it. Bank Oliphant is off Bay Chaleurs.

Q. These have been mentioned as fishing grounds?—A. They used to be very good.

Q. Of late years have they not?—A. No; not of late years. They very seldom go there now.

Q. When you come to the Prince Edward Island coast, just describe the mode of fishing there.—A. We fish all inshore. The Americans and ourselves all fish inshore. Sometimes we try off shore, of course. Sometimes we don't get them inshore, and we run off, but we come back again.

Q. What distance from the shore of Prince Edward Island are they generally taken?—A. Generally about two miles; from one to two miles.

Q. I will not take you to Cape Breton, as you seldom go there. Do you know anything about the mode of fishing there?—A. All the fishing we ever did was close to the shore, as close as we could get, about Margaree, Cheticamp, and Port Hood. We would dodge in there in the fall of the year. We would not want to run off very far, as we would want to get back at night, and the days were short. Any fishing I ever did there was that way, and all hands were alike. The large vessels would stay out perhaps, but before morning they would be in.

Q. Are any fish down on the Cape Breton shore taken outside?—A. Sometimes there is some. Not very often.

Q. I understand that you continued to fish in your vessels up to eight years ago?—A. Six years ago.

Q. Can you give us an idea of the average number of the American fleet engaged in fishing there?—A. Some years, when the fishing was good, there would be 500 sail, some years only about 400. It has diminished greatly within the last four years. For about twenty years of my experience there would be an average of five hundred sail.

Q. Well, now, I want you to give the Commission an idea of the result of your own catches, taken in your vessel. What was the number of barrels that you caught every year?—A. Well, I used not to stay out the whole season. I only staid while the mackerel were fat, and I used to take about 400 or 500 barrels. Either one end of the season or the other there would be something better to do, and I did not fish, therefore, the whole season. Some years, however, I did fish the whole season. We took 600 barrels one year. But we are never equipped as well as they are. They have better bait, better material, and better vessels.

Q. You did not follow fishing the whole season through?—A. Some years we did and some years we did not. The average catch would be 400 barrels.

Q. What is the size of your vessel?—A. Fifty-four tons.

Q. What would be the cost of that vessel and outfit for the season?—A. Our cost would be about \$2,000, for the season.

Q. That includes the vessel?—A. Our outfit would be that without the vessel.

Q. Do you mean that to include the cost of the vessel?—A. We allow the vessel nothing then. Our outfits and the pay of the men, and all that, would come to about \$2,000, including the salt, barrels, and provisions.

Q. That includes the pay of the men and their living for the season?—A. Yea. That would be when we were out for a whole season.

Q. Taking the seasons you were out as full seasons, what would be the average catch?—A. About five hundred barrels.

Q. About 500 for the full season?—A. Yea.

Q. Well, did you find it a reasonably profitable investment?—A. We did very well at that.

Q. Where did you ship your fish?—A. We generally sold them at home on the island to speculators.

Q. What price did you get?—A. We got sometimes \$10 and sometimes \$12.50. They were good mackerel. We generally used to have good mackerel.

Q. That would make it a pretty profitable speculation? (and I believe Captain Mackenzie has succeeded pretty fairly.)—A. Well, we would be sometimes, too.

Q. Well, captain, while you were fishing in your vessel in among the American fleet, were you enabled to form any idea of the average catch of that fleet?—A. Not from ourselves. We generally used to hear what they would catch. They used to be in our ports, and they have often told me what they would catch. I could not say from fishing on board their vessels.

Q. We understand your means of information. Were you in constant intercourse with the Americans?—A. Yes, every day.

Q. Speaking with your means of information, at what do you place the average catch of the Americans?—A. I should say there had been an average catch (except for the past two or three years) of about seven hundred barrels. I think that would be under what they would average.

Q. For the last three years, I understand you to say the average has not been up to that?—A. O, no.

Q. Can you give the Commission a reason for that? Is there anything in the course the mackerel have taken or the habits of the fish?—A. I think they frequented the shore more. There were so many vessels that there were not enough fish to pay them for coming in. The fish was scarcer.

Q. Will you repeat your answer?—A. You ask me what was the reason the average was not so high of late years, whether the fish was not so plenty, or whether they took another course?

Q. Mr. Foster understood you to say the fish was not so plenty, and that it did not pay them so well to come in.—A. I think the fish were not so plenty. I think they cut them up and tore them up a good deal with so many vessels.

Q. During the last three or four years, and the three or four years previously, you have followed fishing?—A. Yes; I have followed the fishing steadily.

Q. Have you found the fish scarce during those times?—A. Sometimes pretty scarce; but at other times they were very good. Year before last they were scarce, but last year they were good, and this year, up to this time, they have been very good close to the shore.

Q. I understand you to say that the fish have been keeping closer to the shore than formerly?—A. Yes; I think so.

Q. How many years back have you noticed that?—A. I have noticed it for the last four years. I do not think there are any fish in deep water; very few, if any; not that I could find out.

Q. Why did you abandon vessel-fishing and take up the boat-fishing?—A. Finding that the fish trimmed the shore more closely than they ever did before, the boats began to feed them and they came back to the same places again where they were fed up in previous years, and they kept continually coming the same way. They seem plenty along shore, and come when they are fed. In Rustico they would formerly catch good hauls, when we would not get any; now we are as far advanced in the boat line and in feeding them as they are, and we get plenty. We get them close in now, about a mile from the stage.

Q. How many boats have you?—A. We have eight boats fishing of our own, and I don't know how many more fishing for us.

Q. I want the Commission to have an idea of the size of those boats and the expense of their equipment. What would one cost?—A. Two hundred dollars.

Q. You have bait of your own?—A. Yes.

Q. Are there many boats of that kind in New London Harbor?—A. About 150.

Q. What is the average catch of your boats for the season?—A. One hundred barrels per boat.

Q. Do you extend that to the New London Harbor generally?—A. Yes.

Q. Has that been the case for some years?—A. It has, ever since we commenced, since we have got boats fitted up in proper shape.

Q. Do you know how many there are in Rustico Harbor?—A. About the same number, I should say.

Q. From Miminegash to Cascumpec how many?—A. Four hundred, I should say. I have been sailing around there.

Q. That does not include New London and Rustico?—A. No.

Q. Do you know anything of the numbers to the eastward?—A. I don't know anything about that.

Q. These boats take their fish within a mile from the shore?—A. We never go outside of a mile. If we do we have to come in again. Last Friday several of our boats went out to see whether there were any to catch out there, but they very soon came in again to four fathoms of water. They could not get them in seven fathoms.

Q. What kind of fish are they catching there now?—A. Splendid fish. A good many of them make mess mackerel. They have either fattened very quickly or a new shoal has come in.

Q. You mean that they have fattened up since they came there in the spring?—A. Yes. They would not bite for the last several weeks before Friday; but last Friday or Saturday morning we got good hauls of large mackerel.

Q. Is it the same in Rustico?—A. It is the same along the shores as far as we could hear.

Q. What takes the mackerel so close to the shore?—A. The feed.

Q. What do they feed on?—A. Shrimps and small fry.

Q. Are those kinds of food found in deep sea?—A. I think not. I don't know. I never saw any coming up on anything that we put out. There must be this food in the shoal water, for we find it in them.

Q. Have you found boat-fishing pretty profitable?—A. Yes, sir. Every one does not. Some make mistakes, and don't find it profitable. They don't manage right, or something. Most of them do.

Q. You have spoken of the general mode of fishing pursued by the Americans. Do you remember when the cruisers endeavored to keep them outside of the limits?—A. O, yes. We have had them about several times. We were bothered with them a good deal. When we got well under way they used to come driving the Americans off, but we would stand our ground.

Q. What was the effect of those endeavors? Did they succeed in keeping the Americans out?—A. Not much. Captain Carnachy, I think it was, came aboard one time. There was then a fleet fishing on Carapette Bank. When they saw the smoke the Americans put off towards Jaspé. He did not say anything. I gave him my lines and he soon got himself speckled over with mackerel scales. He said, "Where have those fellows gone?" I said, "You have frightened them away." He said, "I would not hurt them." He had seven men with him, and they bothered us a good deal. They took lines, but they could not fish.

Q. Did the cruisers succeed?—A. Not at all. As soon as ever they moved along, the vessels came right in again and fished just as eagerly, and more eagerly than if they had never been disturbed.

Q. Supposing we could keep them out, what would be the effect on the American fleet, in your opinion; would they pursue the deep-sea fishing?—A. They would not come there at all. Why, what would be the use? They would not get any fish outside, not in my experience.

I could never catch any. What would be the use of them coming in seeking fish when there were none?

Q. Have you ever conversed with them?—A. Yes, for hours. They have come, a dozen of them, and stopped with me over Sabbath and gone away Monday morning.

Q. What is their opinion with respect to our fisheries—the quantity of fish taken within the three-mile limit?—A. I never heard them say much about it, but I have heard them say that they would not come in the bay if they would not be allowed to fish where they pleased the next year. But perhaps next year they would be in the same as ever. I have heard them say, "We would not come in unless we could fish where we wanted to catch them." Still they would come. I would see the same captain there next year who said that.

Q. You have given me the average number, in your opinion, of the American fleet, and their opinion of the average catch for a number of years. I want to ask you your opinion as to what proportion of the catch taken by the American fleet is within and what proportion is beyond the three miles from shore?—A. From their own statements they would take two-thirds inside, and the other third too, pretty nearly, from their own statement. Some do fish in deep water when the fish is plenty.

Q. On those banks?—A. In deep water.

Q. Some catches have been taken?—A. Yes, there have been a few catches. Some skippers would sooner go there and fish if they did not get any fish than run the risk.

Q. And they did get a few?—A. Some skippers got all they caught in deep water.

Q. There have been cases when a vessel has taken a cargo in deep water?—A. O, yes.

Q. But taking the proportion you think that two-thirds are taken inside and nearly the other third?—A. Yes.

Q. Do you believe that over two-thirds of the catch of the whole fleet have been taken within the limit?—A. Yes, always. There would not be one vessel out of twenty that would take a cargo in deep water. Perhaps about one vessel out of twenty. They would be large ones that would do that.

Q. There could be no doubt about that matter?—A. No. I have been among them all my life-time, although I never fished on board them.

Q. I understand that the better class of mackerel are taken in August or later on in the fall?—A. Yes.

Q. Now, with reference to this class of fish, are they taken closer in to the shore than the smaller fish or farther out?—A. They are taken in right along the shore.

Q. Then the big ones are taken in the same places as the small ones?—A. Yes.

Q. But I understood that the small ones kept off the shore?—A. The small ones, that are not fit for catching, keep off the shore, and do not come in until it is late in September. They do not bother us until then.

Q. The big mackerel keep inshore?—A. Yes. The small ones grow up somewhere on the Banks, I believe, and they never come in until from the middle to the last of September. They are then about three inches long, some of them not that length. Next year they will be a little larger, perhaps six inches long. These will appear in the same way, late in the season. I am doubtful if they come in until they are from nine inches to a foot. They may not come in again for a couple

years, or perhaps never. I am not aware that they do. We are very seldom troubled with tinkers—that is, mackerel about six inches long.

Q. Is it only when the mackerel are full size that they come inshore?—

A. Yes; we are never bothered with anything inshore but good mackerel, until late in the season.

Q. Now, there are the Magdalen Islands; are they a good fishing-ground?—A. Sometimes; formerly, when the mackerel were plenty, it was a very good fishing-ground. There are a considerable number of mackerel there now.

Q. Is it as good as the other places you have mentioned?—A. When they strike coming in or going out it is a good fishery.

Q. How long do the fish last there?—A. About three weeks.

Q. Have you caught much of your fish there?—A. Sometimes we would blow off with a west wind off our own shores and take shelter there, and when the wind would die out we would get a catch. The Americans would be there in hundreds. I have seen Pleasant Bay full.

Q. Some of the witnesses have spoken of the high winds preventing a successful fishery?—A. Yes; it is a very windy hole.

Q. Has that any effect upon the fishery there?—A. Well, if it were not for the good shelter in Pleasant Bay I don't know that we could stay there at all. It is a good fishing-ground provided there is good shelter.

Q. But in the absence of good shelter?—A. That spoils the fishing.

Q. Taking it as it stands, are the mackerel fisheries there resorted to to the same extent as the fisheries around Prince Edward Island, Cape Breton, and Bay Chaleurs?—A. No, not at all. Next month is the month around the Magdalenas. The fish will be going down.

Q. This season, you say, is a good season?—A. So far it has been.

Q. Have you seen any of the American fleet around your harbor of New London?—A. Yes; there were a good many that came in week before last—large vessels.

Q. Can you point to New London?—A. It is about the middle of the land; right in the bend of the island. It is as near the middle as it can be, on the north side. A northeast wind blows directly into the harbor. A southwest wind blows directly out. A good many large vessels have gone up—all seiners.

Q. I want to ask you with respect to that seining, what effect it has upon the fisheries?—A. O, that is part of a branch that would soon clear out the Gulf of Saint Lawrence.

Q. Is it destructive?—A. Yes, because very often they get a haul and lose them, that is, they lose one-half of them before they get them. Perhaps they lose, in some cases, the whole of them. If the fish are not get in the seines they clear out.

Q. A large proportion of them are killed?—A. Yes, sir. They take everything, young and old, mixed.

Q. Can they seine in shallow water as well as in deep water?—A. Yes. I was speaking to the captain of the Eastern Queen. He has a shallow seine. He got a haul down at Pomquet Island. About three weeks ago he was inquiring if there was much chance, and I told him they were done schooling. He took 106 barrels.

Q. Close in?—A. It must have been close in. There was no more schooling, and he went up to Bay Chaleurs. He was not long gone.

Q. Suppose the fishery was prosecuted with seines for some years, how could it leave you?—A. It would leave us without fish. It would soon take them off. They were a little too late in the case I have mentioned. I expect they heard they were schooling there, but they were done before

they came. I am speaking now of New London, and all along the shore from North Cape to West Point. They were schooling in every direction along there. If the Americans had happened to hit in about that time they would have made a good haul.

Q. How would it have been for you?—A. They would have soon driven the fish off.

Q. As a rule, are you fond of seeing the Americans?—A. Well, we never say anything against them, but we would not like to see them seining if we could help it.

Q. Is their presence a benefit to the boats or not?—A. No; they are right the opposite. We don't like to see them come at all. They trouble us a good deal. But our boats have now got so numerous that when an American gets the fish they get around him too. We had no market for our fish formerly, and did not care how many of them came, but now that we send our fish to the States it is different. We have our own merchants to receive them. If we were prohibited now, that would knock us up.

Q. Will you please repeat that answer?—A. We do well enough now by sending our fish to the United States, but if we were prevented by them coming seining and taking them away, that would knock us up. That is what I said, I think.

Q. Supposing you kept them out, or that the British Government kept them out beyond the limits altogether, and you had the three miles from shore all to yourselves, would you care about the duty then?—A. No, we would not. I think we would have it all to ourselves. They would soon catch all the fish belonging to themselves, and if they were kept out altogether beyond the three-mile limit we would be all right enough. We would continue fishing.

Q. How do you send the fish on?—A. By packet to Charlottetown then by the American steamer to Boston. Sometimes we send them to Shediac. Last fall we sent them to Shediac.

Q. With respect to the practice generally prevailing in most American vessels of cleaning the fish on deck, and throwing the offal over, what is your experience as a practical fisherman of the effect of that?—A. I would not throw it over if I could do anything else, because I think it destroys the fish. It hurts them a good deal. When there used to be offal thrown over it drove them away. I think it hurts the fish a good deal throwing so much offal overboard, but it can't be helped. You must do it. You have no place to put it.

Q. Your boats do not do it?—A. O, no. They would not clean the fish on the grounds for anything. They clean them on shore.

Q. And your experience has been that when the fish are cleaned on deck and the offal thrown over, the fish are destroyed?—A. It hurts the fish. I do not know whether they do not like it and hunt up clear waters, or whether it kills them; I do not know. But it hurts the ground exceedingly. In a few days it drives them all off. There is a great deal of blood in the mackerel. There is no fish that has so much accord to its size.

Q. The right to transship their cargo, is that valued by the American fishermen—or is it of much value?—A. I would say it was when the fish was in, or there were good prospects for fish. They used to land them at Canseau and it would save them a trip. They get their fish as cheap or cheaper than they could in the United States. I never knew that they were prevented from transshipping. I always saw them do

Q. Of late years?—A. Yes.

Q. There was a time when they had no right to do it. I suppose you are aware of that?—A. I don't know, but I have seen them do it.

Q. Well, as an actual fact, without regard to the right to do so, is that transshipping a benefit?—A. Yes; I should say so.

Q. Is it so looked upon by them?—A. Yes; if it was not, they would not do it.

Q. I want you to give some idea of what value it is.—A. Well, I could not say that. They might get a cargo while they were going home. I have heard them say that themselves. They used to run into Charlottetown, a good many of them, and send off their fish. If they did not find it a benefit they would not do it.

Q. No, I suppose not. They are generally pretty shrewd men, the American fishermen?—A. If they were not they had no business in the bay when the cutters were in.

Q. You never fished with them?—A. No.

Q. I do not know whether you have been engaged to any extent in the cod fishing. Have you?—A. No; not in the Labrador cod fishery.

Q. Do the Americans pursue that fishery at all?—A. O, yes.

Q. To any extent?—A. They used to largely. I can't say for the last two years. They used to go to Labrador, bank fishing. In the spring a good many come down to Cape North and between that and Bradley Bank.

Q. Do you catch bait around the coasts of the island?—A. Yes.

Q. You mean yourself?—A. I go for them myself. I charter a small vessel and load it.

Q. Where are the cod caught about the Labrador coast?—A. All around the shore—close in to the shore.

Q. At what distance from it?—A. Right by the shore; fast by the cliffs.

Q. You refer now to codfish?—A. Yes; they could not be caught anywhere else. In the spring, they are all caught with hand-lines.

Q. Are any cod caught outside in deep water?—A. No, they do not try for them outside.

Q. What is the number of fleet engaged in prosecuting this fishery?—A. I could not say.

Q. You could not give an approximate to the number?—A. No; I saw American vessels almost everywhere along the shore, but I never took count of their number.

Q. Does not an American fleet fish on the Banks?—A. There are the sail in the spring of the year, which I mentioned; sometimes there are more or less. I have seen forty coming for bait.

Q. Do they use ice?—A. O, yes. They all do.

Q. Where do they get it?—A. Some fetch it with them; I don't know where they all procure it; some obtain it in Nova Scotia, and others at the Magdalen Islands, and some at Cape North. They could not keep their bait fresh without ice. This lacking, the bait would not last any time. They generally take two large dory loads for bait, and they pay for a dory load. I have myself often sold it to them.

By Mr. Foster:

Q. Two large dory loads of what?—A. Of herring.

Q. And they pay \$1 a boat load for it?—A. Yes.

By Mr. Davies:

Q. They are cheap?—A. Yes. That is the price as a rule. They never charge more than \$1 for a dory load.

Q. How many barrels are there in such a load?—A. Dories are small; they will hold from 9 to 12 barrels.

Q. These fish must be very plentiful there?—A. Yes, at times, they are very plentiful; there is, then, any quantity of them.

Q. Are there any salmon to be found to any extent around our coasts in the gulf?—A. Plenty of salmon are found around Miramichi, and all round that bay, outside and about Anticosti, and also where I have been on the northwest coast of Newfoundland, and all down that coast. There are very few of them about Prince Edward Island.

Q. Leaving out Prince Edward Island, salmon are found around the coast throughout the gulf?—A. They are to be seen around the New Brunswick coast and the Bay of Chaleurs.

Q. Are they caught to any extent by the Americans?—A. I do not know that; I cannot tell.

Q. They are caught about the Bay of Chaleurs?—A. Yes; I have seen Americans coming down to some parts of the Gulf of St. Lawrence by Shediac, but I cannot tell you whether it was their intention to buy or to fish. They have made inquiries of me when coming down and I rather think that they intended to buy. I do not know of any of them catching these fish there.

Q. Captain, you have been for forty years constantly engaged in prosecuting these fisheries, and have you ever gone to American waters to fish?—A. Never.

Q. Did you ever know a man leave our gulf and go to fish in American waters?—A. Well, yes. They have stopped up there and gone out in the spring, ready to come down with the Americans.

Q. But have you known any Canadians go down there to fish?—A. No; I never knew any one go from here on his own account to fish there.

Q. You never knew any one to go there in British vessels?—A. Never.

Q. Why do not Canadians go and prosecute that fishery?—A. It would be no use to go there to fish.

Q. Why?—A. The Americans would run us off.

Q. You would not like to invest much money in such a venture?—A. I would not think of doing it. I would sooner wait until the fish come up on our coast.

By Mr. Foster:

Q. From whom are those dory loads of bait, bought?—A. From anybody that will sell them; they are obtained from Canadians sometimes, and as often out of their own schooners as any other way. If they do not take them out of their own seines, they secure them from anybody they can.

Q. The Americans and you too buy them?—A. We do not; we catch them ourselves.

Q. And the Americans buy them of each other or catch them themselves?—A. They will not buy fish from Canadians while they can get them from their own men; but they must have the herring as quick as possible.

Q. Why?—A. They want to get on the fishing-grounds.

Q. On what grounds?—A. The trawling-grounds.

Q. Where is that?—A. Out back of the Magdalen Islands, about Cape North and Bank Bradley, about 20 miles or 40 miles from where the herring are caught.

Q. Where do the American fishermen come to trawl for cod?—A. They fish around the Magdalen Islands and Bank Bradley, &c.

Q. They do not wait to catch the herring for bait, but secure them as quickly as they can?—A. The first thing a cod-fisherman does when he comes there is to secure bait; in twenty minutes afterward he will have a load if possible. They lay the vessels off and never come to anchor. The Yankees are not very apt to lose time if they can help it.

Q. Because their vessels are large and expensive, I suppose?—A. Yes.

Q. You spoke of vessels you own as costing for outfittings and wages \$2,000 a year. How long would a full season last?—A. That is for the outfittings without the vessel.

Q. But it includes the pay of the crew?—A. Yes.

Q. How many would there be in the crew?—A. About twelve hands.

Q. How much are they paid?—Q. Either \$25 per month or one-half of what they catch.

Q. When you were estimating the cost of the outfittings at \$2,000, you, of course, included the wages paid?—A. Yes.

Q. What portion of that \$2,000 would be the wages of the crew?—A. It would be according to the time we would be out. For four months it would be \$500.

Q. Five hundred dollars for the twelve men?—A. Yes.

Q. When you speak of \$2,000 as paid for a full season, do you mean a season of four months?—A. Yes.

Q. Then of the estimate of the cost of outfittings and wages for one of your vessels, with a crew of twelve men, the wages paid would be one-quarter—\$500 in the \$2,000. Does that include the captain's wages?—A. Yes.

Q. What is he paid?—A. He would want \$25 or \$30 a month at any rate; but he does no more than any other person on board.

Q. Did you include that in your estimate?—A. Yes. There would be twelve all told—cook and all. The cook generally gets more than any other man.

Q. Does the owner pay the cook, too?—A. Yes.

Q. That would amount to more than \$500, would it not?—A. Sometimes this would be the case; but this is generally what we lay out. The average would be \$500, taken either on shares or on wages.

Q. And that would cover the wages of a captain and cook?—A. Yes.

Q. How many men would there be in your boat, which averages a catch of one hundred barrels?—A. Four.

Q. And how long is the fishing season for boats?—A. From the first of July to the last of September.

Q. You spoke of the time when the fishing was good, and, as I understood, made that time end about four years ago?—A. Yes, it would be about six years ago since I gave fishing up.

Q. And did you give it up because it was poor?—A. Yes; partly.

Q. You told the Commission that on the average 500 American vessels had been there yearly for the last twenty years; what would the number be for the last five or six years?—A. I do not think that it would be one hundred.

Q. Were there one hundred during the last five years?—A. There were more than that during this period. During the last two years there would not be over fifty; and I do not think that the average for the past four years would be one hundred.

Q. How many have you known to come up this year?—A. I should think about fifty sail.

Q. Up to the present time?—A. Yes.

Q. Did I understand you to say that they were rather late for seining operations this year?—A. They were a week late.

Q. Are they there now?—A. Yes; a good many of them. They are the very finest vessels I ever saw in the gulf; I never saw such large vessels.

Q. Have not some gone home?—A. Perhaps; but I am not aware of it.

Q. Have you been in the habit of buying mackerel at all of other boats?—A. Yes.

Q. You buy them fresh and cure them yourself?—A. Yes.

Q. What do you pay for mackerel in the fresh state?—A. When they are poor we give \$1 a hundred. We are now paying \$2 a hundred.

Q. Is that for such as make number ones?—A. Yes; but they are not all number ones. We have to take them as they are caught.

Q. Do you pay \$2 a hundred for them?—A. We were paying \$1.50, but when I left home we were giving \$2.

Q. For a hundred fish?—A. Yes.

Q. How many fish are there in a barrel?—A. About 300 now. A month or two ago it would have taken 350 or 390.

Q. Then do you pay as high as \$6 a barrel for fresh fish?—A. Yes.

Q. How much did you pay last year?—A. We did not then pay higher than \$1.50.

Q. That would be \$4.50 a barrel?—A. Yes.

Q. And the year before last?—A. The price then was the same as it was last year.

Q. How much did you pay four years ago?—A. About the same, from \$1 to \$1.50.

Q. What did fresh mackerel sell for during the years when the fishing was good—prior to the last five or six years?—A. We never bought any then.

Q. What became of those which were caught in the little boats?—A. We could not get them to buy. Only a few individuals started the business, and very few caught them.

Q. Do you mean that there was not much boat-fishing during the good year?—A. Yes.

Q. And those who did catch in the boats had to sell at a very low figure?—A. Yes; they put them up themselves and sold low.

Q. They could hardly sell the fish when fresh?—A. They would have so sold if they could, but there was nobody to buy.

Q. Could they buy them for \$1 a barrel?—A. No; nor for \$3.

Q. What would they fetch a barrel then?—A. Between \$6 and \$8. Mr. Hall, Mr. Howland, and some others used to buy them.

Q. There is no mistake but what the American bait is a good deal better than any other; there is no question about that?—A. No, it is always very well liked, but we have to pay pretty high for it.

Q. Do you buy it?—A. Yes.

Q. How much of it do you use?—A. I used 20 barrels last year and I bought 20 more barrels this year, at \$5 a barrel.

Q. That makes \$100 spent for menhaden bait?—A. Yes.

Q. Do you mix this bait with herring?—A. Yes; and sometimes we mix it with clams. At the latter end of the season it is that bait which we want. When the fish are poor, almost any bait will do; but when they are in good condition, they require good bait.

Q. When do you use herring bait?—A. In the spring of the year and July.

Q. Do you mix menhaden with it?—A. Sometimes.

Q. If it was not for its expensiveness, you would not use herring at all?—A. No.

Q. Do you use mills to grind the bait?—A. Yes.

Q. And you mix the herring and menhaden together?—A. Yes; we also chop up clams with it. Bait-mills will not grind clams.

Q. I understood you to say that the Americans had shoal seines—do you allude to purse seines?—A. I do not know whether they are purse seines or not, but they are shoal seines. I asked the captain of a vessel at what depth of water he was seining, and he said at 12 fathoms. I said I thought that was too deep for along the shore, but he stated that he could work it.

Q. You have not personally seen purse seines used except in deep water?—A. O, yes.

Q. In shallow water?—A. No, in deep water. I have seen them take fish with purse seines in 20 fathoms of water; some years ago, I saw an American skipper employ them.

Q. I wish you would explain to the Commission the course which the Americans pursue when they desire to transship fish. Where do they land them first?—A. The first place I ever knew used for this purpose was the Gut of Canso.

Q. How do they ship from there to Boston?—A. I do not know. I think they ship into other vessels or steamers. I have understood so. I have never myself seen them transship. I know I have observed 3 or 4 vessels lying at Queen's wharf landing mackerel.

Q. Do they land them on the northern coast of your island?—A. No; but they do at Charlottetown.

Q. They do not send them across the island by rail?—A. No.

Q. Have you personally known them to transship fish?—A. Yes.

Q. Where have you seen Americans land fish except at the Gut of Canso?—A. At Charlottetown.

Q. And when they did so, were they left in storage?—A. They remained on the wharf until taken off by a steamer, or some other vessel. I have seen 1,000 barrels of American mackerel lying there, which had never been inspected.

Q. Did I understand you to say that the transshipment of fish had never been prevented at any time?—A. I never knew it to be prevented.

Q. You never knew of any objection being made to it?—A. No, never.

Q. Did you ever know of any objection being made to the purchase of supplies by Americans?—A. No.

Q. Or of ice?—A. No.

Q. Nor of anything else which the merchants had to sell them?—A. No; I never knew any objection made save to the landing of barrels.

Q. They were allowed to buy clothing?—A. Yes.

Q. And butter and vegetables?—A. Yes.

Q. And they always did so?—A. Yes.

Q. You never knew of any difference being made in the treatment of them, either before the ratification of the treaty or afterward?—A. No more than with regard to any other people in the world.

Q. You were glad to trade with them as much as possible, I suppose?—A. Yes; they never had to pay duties save for landing barrels on the Magdalen Islands, as far as I know.

Q. When was that?—A. Of late years; last year, I think.

Q. They had to pay duties for landing barrels?—A. Yes.

Q. I suppose that this was proper?—A. I do not know. That is for the customs officers to decide. They took the barrels away.

Q. They carried them away because they were not willing to pay duty ?—A. They had to pay duty and they took them away again. They only paid duty for the privilege of landing the barrels.

Q. You do not pay the duty ?—A. No.

Q. This offal spoken of accumulates in all fishing-vessels and has to be thrown somewhere ?—A. Of course.

Q. There is no doubt about that ?—A. Yes.

Q. It is not the practice of fishing-vessels to dump the offal among a school of fish while fishing ?—A. They do not hesitate about that if they are in a hurry to get to another school. If there is a school alongside under these circumstances they will not wait long about it, mind what I tell you. They must get rid of it as quickly as possible. It is the most filthy thing that one can have about a vessel.

Q. And this spoils the fishing about the vessel ?—A. Yes. They throw it over wherever they can.

Q. That has been the practice as far back as you remember ?—A. It has always been the practice since mackerel fishing commenced.

Q. Do you really think that the failure of the fisheries during the last five or six years is to be attributed to this practice ?—A. I do not know anything to the contrary.

Q. Do you think so much of it as that ?—A. I do.

Q. The fisheries failed pretty suddenly, did they not ?—A. No; for a good many years they were failing.

Q. Which was the last good year ?—A. We have not really had a good year during the last seven years.

Q. Was not the year 1872 a good year ?—A. Only on shore. It was good for boat-fishing, but not for the vessels.

Q. Which was the last good year for vessels ?—A. I could not tell you.

Q. Which was the last year when there were as many as five hundred American vessels down there ?—A. About twelve years ago. I was fishing then myself, and the fishing was very good.

Q. In a vessel ?—A. Yes; and the vessels then did very well.

By Hon. Mr. Kellogg:

Q. When was the first year that you saw purse seines used ?—A. I think that would be about twelve years ago. A man at that time had such a seine down here, and he took boats and all. He was a pretty old man, and on his first throw he caught herring when he expected to secure mackerel. He let them go, and there was another old man fishing quite near. He pitched the seine and took the latter, anchor, boat, and all. This man talked pretty loud about it, but the seiner said to him: "O, well, be quiet, and I will give you all the herring, while I take the mackerel." So he was well paid, obtaining as his share seven or eight barrels of fat herring.

Q. That was the first purse seining which you saw ?—A. Yes; and this man caught the fish very quickly. He was not long about it. He was off in comparatively deep water. I do not know whether his name was Captain Parker or not—there are so many of them. I really forgot the man's name, but I know he threw the seine in deep water and took about sixty barrels. This was the first seining I ever saw off our shore.

No. 15.

THOMAS R. BENNETT, 47 years of age, judge of the district court at Harbor Grace, Newfoundland, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Whiteway :

Question. How long have you resided in Newfoundland ?—Answer. Since 1854.

Q. Have you a thorough knowledge of the fisheries of that island ?—A. I have an intimate knowledge of them.

Q. How did you obtain it ?—A. For many years I was engaged in mercantile business in connection with these fisheries.

Q. Both on the Southern coast and on the Eastern coast ?—A. Not on the Eastern. The coast in the District of Fortune Bay is usually spoken of in Newfoundland as the Western coast. I merely mention it in order that I may be understood if I make use of the expression afterward.

Q. As a matter of fact, however, it is the Southern coast ?—A. Yes.

By Mr. Dana :

Q. Where is Harbor Grace ?—A. On the Eastern coast, in Conception Bay; it is situated on one side of this bay.

By Mr. Whiteway :

Q. You are a native of Nova Scotia ?—A. Yes.

Q. How long did you reside at Fortune Bay ?—A. About nineteen years.

Q. This is in close proximity to the islands of St. Pierre and Miquelon ?—A. Yes; the islands of St. Pierre, Langley, and Miquelon lie across from the entrance to the bay.

Q. Besides a thorough knowledge of the Newfoundland fisheries, you have also an intimate acquaintance with the manner in which the fisheries are carried on by the French ?—A. I have. I have been at St. Pierre Island probably one hundred times.

Q. What fisheries exist on the coast of Newfoundland ?—A. The cod, salmon, herring, halibut, turbot, and seal fisheries.

Q. Are not caplin and squid caught there ?—A. Yes; and there are a number of other species of fish which are sometimes taken for bait.

Q. Herring, caplin, and squid are the fish which are usually used for bait ?—A. Yes; some fishermen use shell-fish, but this is very rarely done.

Q. Will you point on the map the Ramea Islands ?—A. They are here, in the Western coast.

Q. Will you trace the map around Cape Ray to Quirpon and Cape John ?—A. Here is Quirpon, and here White Bay, and there is Cape John.

Q. Between Quirpon and Cape John lies the part of the coast along which, I believe, the French and English enjoy concurrent right to fish, and where, under the Washington Treaty, the Americans have a right to fish ?—A. Yes.

Q. And the Washington Treaty gave to the Americans the privilege of fishing from Rameaux eastwardly to Cape Race, and thence north to Quirpon ?—A. Yes.

Q. So that, on this portion of the coast, from Cape Ray by Quirpon to Cape John, the Americans, English, and French have now concurrent right to fish, and the Americans and English on the remainder of the coast ?—A. Yes. On the East coast are situated Notre Dame Bay, Bonavista Bay, Trinity Bay, and Conception Bay; and on the Western coast Saint Mary's and Placentia and Fortune Bay. The others are smaller inlets.

Q. Up to Ramea Islands ?—A. Yes.

Q. By the Washington Treaty the Americans have concurrent right with the English to fish on that portion of the coast?—A. Yes; and on the whole of the coast.

Q. Proceeding from the Ramea Islands to Cape Ray, did the Americans prior to the Washington Treaty enjoy concurrent right of fishing there with the British?—A. Yes; under the Convention of 1818.

Q. At what distance from the shore is the cod-fishery carried on between the Ramea Islands and Quirpon?—A. This part of the coast from Quirpon to Cape John has rarely been fished on by the English until you arrive at Cape John. From Cape John around the whole of this part of the coast, by Cape Race to Cape Ray, it has been carried on as an inshore fishery, and from that point north it is carried on as an inshore fishery by the English and French.

Q. It is prosecuted as an inshore fishery?—A. Yes, entirely.

Q. When you speak of an inshore fishery, within what distance from the coastal line do you mean that the fish are caught?—A. Generally within a mile of the shore. There are not more than half a dozen places on this part of the coast whence the fishermen go beyond a mile and a half or two miles from the shore. They usually fish within a mile of it. I have even seen them conduct a very excellent fishing within one-quarter of a mile of the shore.

Q. As a general rule they fish within a mile and a mile and a half of the shore?—A. Yes.

Q. And occasionally they go beyond that distance?—A. They go beyond it very rarely—out to the Lower Banks—which lie 7 miles from the shore. A few boats go out there late in the season; that is, after the bait has left the shore. The fish have then gone off into deeper water; this would be about the month of October. They will make, perhaps, two or three trips, lying off one night and returning the evening of the next day.

Q. That is outside of the 3-mile limit?—A. It is 7 miles off. This is the only bank I am aware of where they fish. There is another called the Cape Ballard Bank. It is also about 7 miles from the shore. I am not so intimately acquainted with it as with the other, but I am aware that some boats belonging to Renews fish there, but only a very limited number.

Q. A limited number, and only occasionally?—A. Only occasionally, as I have always understood.

Q. With your intimate knowledge concerning these fisheries, could you form an estimate of the quantity of cod which would be taken outside of the 3-mile limit by the fishermen from Newfoundland?—A. Only a very small quantity is so taken—I should say not more than 5,000 or 6,000 quintals. To my personal knowledge not 1,500 quintals are taken, but, unless the Ballard Bank yields more fish than I am aware of, I should say that not more than 6,000 quintals are so caught. I should judge so from all the information which I have received on the point.

Q. Describe the cod-fisheries.—A. There is what is usually known as the Bank fishing of Newfoundland.

Q. What fishery is that?—A. There has been a limited Bank fishery during the past three or four years. Some three or four vessels have been fitted out for the purpose. An experiment has been made in this connection.

Q. I believe that upward of 25 and 30 years ago the Bank fishery was carried on extensively around Newfoundland?—A. Yes; very largely.

Q. What do you mean by the Bank fisheries?—A. The deep-sea fishery.

Q. At what distance from the coast is the nearest Bank, so called, of Newfoundland?—A. About 35 miles. The fishermen formerly, when they carried on this fishery, ran down until they were about 35 or 40 miles from the St. Pierre and Miquelon Islands; they then came to and fished. Some old experienced fishermen have told me that this was their rule. They would run off southwest of these islands and fish about 35 and 40 miles from them.

Q. That is what is termed the Grand Bank?—A. No; it is St. Peter's Bank.

Q. The Grand Bank is about thirty-five miles from Cape Race?—A. The inshore edge of it is about that distance off. I think that the principal and best fishery is situated from eighty to one hundred miles off the coast of Newfoundland.

Q. The deep-sea fishery is carried on at distances varying from thirty-five to two hundred miles of the coast by the bankers?—A. Quite so.

Q. And this fishery has not been carried on from Newfoundland for upwards of twenty-five or thirty years?—A. It is longer than that. It is a very expensive fishery.

Q. Until within the last four years?—A. Within the last four years the government of Newfoundland has been giving a bounty in order to encourage that fishery; and some four or five vessels, I think, have been fitted out for the purpose.

Q. And these are the only two places where the cod-fishery is prosecuted inshore and on the banks?—A. Precisely.

Q. What other fishery is carried on the coast?—A. There is also the salmon-fishery.

Q. This is carried on principally with nets set out from the shore?—A. Yes, altogether. There are one or two rivers which the fishermen bar, in some out-of-the-way places; but this is illegal.

Q. It is carried on along the coast and in the rivers as well?—A. It is prosecuted in the rivers to a limited extent.

Q. There is also the herring fishing?—A. Yes; there is a large herring fishery.

Q. Where is it carried on?—A. In nearly all the large bays of the island. The principal home for the herring is Fortune Bay.

Q. Are they taken in Fortune Bay all the year round?—A. Yes.

Q. And in Placentia Bay, also?—A. Not all the year round; but large quantities are taken there on some occasions, especially in the spring of the year, in April and May.

Q. When do the herring make their appearance on the eastern coast of the island, from Cape Race northerly?—A. They appear in Conception Bay in April and in Trinity Bay about the last of April. I am not personally acquainted with the bays farther north than that; but I am informed that they appear about the same time in Bonavista and Notre Dame Bays.

Q. Between Cape Race and St. John's and Conception Bay they make their appearance about the same time?—A. Between Cape Race and Conception Bay, yes.

Q. How long do they remain on that coast?—A. Until the month of July; and in fact they may remain longer. They are hardly used except for bait, and they continue there until better bait comes, and probably longer.

Q. Do they remain there until toward the end of the year, in November?—A. I imagine so; but the fishermen do not then take the trouble

to catch them. As soon as the caplin strike the coast the fishermen take them, these being better bait.

Q. When do the caplin strike the coast?—A. Usually from about the 5th to the 10th of June, on the western coast. Perhaps they are a week later on the eastern coast. They usually strike around Deadman's Cove in Fortune Bay about the 5th of June.

Q. How long do the caplin remain on the coast?—A. I should think on the average, six weeks. I have known them to remain two months.

Q. And are they used as bait by the cod-fishers during that time?—A. They are; they form the choicest bait the fishermen can then get.

Q. When do the squid make their appearance?—A. This year they appeared on the coast about the 1st of July; usually, I think you may say that they appear from the 8th to the 20th of July. They do not always come exactly at the same time.

Q. They are generally, in fact almost always, in before the caplin leave?—A. Yes; always.

Q. And they then succeed the caplin as bait?—A. Yes.

Q. How long do they continue on the coast?—A. As long as the fishermen require to use them. The last place where I have known squid to be taken is Bay North, and the time was about the 15th December.

Q. They continued on the coast during the whole of the fishing season?—A. Yes.

Q. What do you call the cod-fishing season of Newfoundland within the limits referred to?—A. It varies to a certain extent along the coast. In fact, from Channel to Pass Island and along this coast it is conducted the whole year round.

Q. Name the localities.—A. From Channel to Hermitage Bay and Bay North, and through the whole of Fortune Bay, until you arrive at Garnish on the eastern side of Fortune Bay, it is conducted throughout the year; also in Placentia Bay toward the head of it; but along the more exposed parts of the coast it is conducted during the summer for about six months; and, generally, along the northern part of the island it is conducted for about six months in the year.

Q. This is on the eastern coast?—A. Yes.

Q. It is conducted there for about six months?—A. Yes; they begin about the month of May.

Q. And terminate about the month of November?—A. Yes.

Q. During this period of the year has there ever been a scarcity of bait, or has there always been a good supply of bait on the coast?—A. I think so; I never knew of any scarcity. I am aware that there have been local scarcities, but, universally speaking, bait has always been found in abundance around Newfoundland.

Q. That is, the bait you have just referred to?—A. I allude to herring, caplin, and squid.

Q. Where are caplin and squid taken?—A. Around the whole island and inshore—close to the shore, in the beach coves, and in shallow water.

Q. Where they come to spawn?—A. Yes. I think they also follow small animalcula there for food. I do not think that they spawn at the time during this period, for they are there from six weeks to two months. I think they come sometimes to feed, and they attract the codfish close in to the shore. The codfish follow them close in to the shore.

Q. And remain in shore?—A. Yes; feeding on them.

Q. You referred just now to a fishery carried on in some places one quarter of a mile from the coast; have you known of the fishery being

in some places carried on so close that the fishermen would go on shore for their meals every day at meal-hours?—A. This is at New Harbor on the western shore, and at one or two other harbors. They fish at these points very close to the shore. On one or two occasions I saw the people belonging to the shore calling them to dinner. I made inquiry of the people, and they told me that they put their moorings down in autumn within a short distance of the shore, and fished for six months with the same moorings. They would thus proceed with the fishery during the winter months, and when the spring opened they laid their moorings down a little farther off.

Q. To all intents and purposes it is entirely an inshore fishery?—A. Yes; there can be no doubt of that.

Q. Do you remember, Mr. Bennett, the period during which the Reciprocity Treaty between Great Britain and the United States was in operation?—A. Yes.

Q. Are you aware whether, during that period, American vessels did fish on the Newfoundland coast and obtain bait there?—A. No. During that period they never used their fishing privileges; in fact, I think they never came on the coast until within the last four years before the treaty expired.

Q. With regard to the herring-fishery of Fortune Bay—is it prosecuted to any very considerable extent by Newfoundlanders and others, and how?—A. As a matter of commerce.

Q. In both ways?—A. It is carried on to a large extent for bait. The Americans get a large quantity of bait there, and the French also.

Q. Is it from Fortune Bay that the fishermen of Saint Pierre and Miquelon are supplied with bait?—A. Yes; also from Placentia Bay; but they are principally supplied from Fortune Bay.

Q. Are the herring sold to the French in a fresh state?—A. Yes, and they buy large quantities of them.

Q. What, on the average, would be the quantity of bait supplied to the French vessels for baiting purposes?—A. It would be very large.

Q. Does it altogether consist of herring?—A. No, not of herring; caplin and squid.

Q. Can you form an estimate as to the average quantity supplied?—A. I think that the quantity taken by each vessel would be, for the larger bankers, from 100 to 200 barrels of herring for each trip, and from 50 to 200 barrels of caplin for each trip; as to squid, I could scarcely form an estimate, because they are in the habit of taking large quantities of it in their own harbors of Saint Pierre and Langley, besides buying from English fishermen.

Q. These fish are bought by the French?—A. Yes.

Q. And then they are used for the purposes of the Bank fishery?—A. Yes.

Q. Have the Americans obtained bait there since the Washington Treaty came into operation?—A. Yes, and previously; indeed, they have secured large quantities. Of course, previously, it was illegal to do so, but they avoided coming near where there was any magistrate or customs officer. Then, however, they did not come to the coast to any great extent; they did so to a limited extent.

Q. As a matter of fact, did they then come there?—A. They did.

Q. To localities distant from any magistrate or customs officers?—A. Precisely. In 1872, over two hundred sail of American vessels came to Fortune Bay. They were then made bolder, because that was the year when the Washington Treaty was negotiated; and although it was not

at the time accepted by Newfoundland, still it was assumed they had a right to come. They did, at all events, come for bait.

Q. Did they catch it themselves or buy it from the people?—A. They partly caught it and partly bought it. They made arrangements with fishermen, which they called selling bait, but it was partially selling and partially catching. I will describe it. They were in the habit of calling into some of the outlying harbors, Balloran, St. Jacques, and English, and one or two others, and making arrangements with some man who had a seine; and they would then go up Fortune Bay, say to Long Harbor, fifteen or eighteen miles up, or to Mal Bay, Bay Rencontre, or Bay d'North; there are deep arms in the bay, with bait in them all the season round, and they are very quiet places for the taking of bait. They make arrangements with the seine owner to go himself and catch, with their assistance, what bait they require. They usually pay out during the summer about \$20 for each trip, and take from fifty to eighty barrels of herring. They pay it in a lump sum for the use of the seine and the skill of the seine owner. The latter would be unable to haul the seine without the assistance of the American crew from the schooner. The crew do the work, and the Newfoundland skipper conducts the operations.

Q. The crew of the American vessel actually takes the bait?—A. As far as my experience has gone, yes. I observed matters very narrowly that year, and I never knew a crew of Newfoundland fishermen during this time wholly take the bait for the Americans. I have only known of it being procured in the way I have told you.

Q. So that is what the Newfoundlanders, in common conversation, term selling bait to the Americans?—A. Certainly; quite so. There may have been cases in which the Americans were supplied with bait, when Newfoundlanders had illegally stopped herrings. What I mean by stopping herrings is, to put out a large seine and surround a large school of herring in a quiet place, and keep them thus inclosed for a month or more. If the Americans wanted bait quickly, they might have on some occasions purchased it from those who had stopped herrings in this manner. It is an illegal practice, and is only carried out in places where custom officers or magistrates have no supervision; that is, too far away from them to permit of this being done effectually. Such purchase, of course, encourages illegal conduct on the part of our people.

Q. The herring come in very large quantities and run up into small deep inlets, where a stop of seines has been put across?—A. Not across. They surround the schools of herring.

Q. They are then kept inclosed for a month, you say?—A. I am told a month, and I believe it. I am quite certain that it is the case. Many of the fish die; and sometimes a gale of wind necessitates the tripping of the seine and the taking of it up. The whole mass of the herrings is then killed, and allowed to remain on the bottom and rot.

Q. There is a law which prohibits this custom?—A. Yes; it has existed for many years.

Q. What is your opinion regarding the effect of that mode of fishing on the herring-fishery?—A. I think it is most destructive, and the law prohibiting it I consider to be a most wise one. It was found necessary many years ago to pass a law prohibiting the use of seines from the 1st of November until the 12th of April, and prohibiting absolutely the use of seines for any other purpose except that of casting and forthwith drawing them. This extra demand for bait no doubt has arisen in consequence of the Americans coming there, and, I suppose, inducing parties to commit a breach of the law outside the effectual jurisdiction of

customs officers or magistrates. I believe that they are very scarce around the coast. It is very thinly settled, and has very few custom-house officers stationed along it. There are not nearly as many of them as are required now, whatever may have been the case in former times. More are now needed, because there is more inducement presented to violate the law than there was before the Washington Treaty was negotiated.

Q. And there are now more facilities for smuggling?—A. O, precisely. There is no doubt about that.

Q. The population of the island is about 150,000?—A. Yes.

Q. How are the people located around the coast?—A. The farthest official of the Newfoundland Government is stationed at Channel. Then there are three on this southern coast until you arrive at Briton Harbor, where one is stationed; and then, say for sixty miles up the bay, there are no customs officers or magistrates, unfortunately.

Q. The officials of the government of Newfoundland are stationed between Channel on the south and around to where?—A. To Tilt Cove on the north; but there is no government official on the north of the island.

Q. And there is none between Cape John and Cape Ray on the other coast?—A. No.

Q. And you say that they are even scarce on the portion of the coast you have pointed out?—A. O, there are large tracts of the country where there is no government official.

Q. Are the people living in every small cove and inlet along the coast?—A. Yes; on this southern coast they are.

Q. And north, too?—A. In the north every harbor is settled; but the harbors are not so numerous on the southern part of the island.

Q. They are in smaller numbers?—A. Yes.

Q. Do all of them carry on the fishery?—A. Yes. When I say all, I might explain that the agriculturists are very few in number. The census will show that they are not numerous, and they are not really agriculturists, because they pursue fishery and agriculture combined.

Q. You spoke of the herring fishery at Fortune Bay; is there a large water fishery carried on there?—A. This has been the case for a number of years. During the Reciprocity Treaty it was prosperous; in fact, it was the only branch of commerce in Newfoundland that benefited in any extent by the Reciprocity Treaty. At that time there was a large herring fishery for the supply of the slaves of the Southern States, principally Virginia and North and South Carolina, and also for the supply of the West Indies. The description of herring caught in this bay is very suitable for hot climates and these markets. From 60,000 to 70,000 barrels of herring were annually taken for the purpose of being exported from Fortune Bay alone for several years, until the war broke out.

Q. These were not caught, I think, by Americans, but purchased from Fortune Bay people?—A. The Americans themselves did not engage in it. During the first six years of the Reciprocity Treaty it was wholly in the hands of those doing business on the Newfoundland coast.

Q. And, during the last four years of the Reciprocity Treaty, you say it was altogether carried on by the Americans by purchasing from Newfoundlanders?—A. Yes.

Q. They did not fish there themselves?—A. No; not during the existence of the Reciprocity Treaty.

Q. Since the Washington Treaty came into operation, has any new trade in herring, in which the Americans are concerned, sprung up?—A. They began, four years before the Reciprocity Treaty terminated, to ship herring in a frozen state to supply the New York market and to supply

their fishermen at Cape Ann with early bait for the George's Bank. They fish on the George's Bank during February and March. Some 30 or 40 vessels commenced to come there perhaps two or three years before the Reciprocity Treaty expired, and afterwards they still continued to come.

Q. Have American vessels during the last two or three years, since the Washington Treaty has come in operation, taken large cargoes of herring to Sweden and other countries from Fortune Bay?—A. I believe so. I have heard so, and I believe that it is a fact.

Q. You have no doubt of it?—A. None at all. I have not observed it myself, but there is no doubt of the fact at all.

Q. And as a matter of fact, you also know that the herring fishery of Fortune Bay and Placentia Bay is very prolific?—A. Yes.

Q. Do they take or purchase the herring sent to Sweden and the States?—A. I think they generally purchase. I have known them, however, to catch herring themselves. I remember that a steamer called Montecello came there and caught large cargoes. This was some four years ago, I think.

Q. You were a member of the legislature for some time?—A. Yes; for eleven or twelve years.

Q. And you have some knowledge concerning general statistical information and customs returns relating to the island?—A. Yes.

Q. Will you kindly refer to those returns and read their heading?—A. This is a return showing the quantities and values of fish and products of fish imported from the United States of America, and exported to the United States and all other countries from the Colony of Newfoundland during each year from 1851 to 1876 included.

Q. That relates to twenty-six years?—A. Yes.

Q. Judging from these returns, what advantage is, or is any advantage, derived by Newfoundland from the concessions made to you by the Washington Treaty?—A. You cannot infer from these returns that Newfoundland has reaped any advantage from any commercial concession made under the Washington Treaty. On the contrary, the exports of Newfoundland products to the United States since the ratification of the Washington Treaty have been very much lower than they were during the period when there was a heavy duty on these products. They have since been very much less. The average value of these exports for the four years preceding the Reciprocity Treaty amounted to \$225,722, and for the twelve years ending with the Reciprocity Treaty, \$367,500, and for the seven years after the abrogation of that treaty, \$348,281; and during the three years the Washington Treaty has been in existence the average value of the exports of Newfoundland to the United States has been \$222,112.

Q. Then they were less under the present Washington Treaty than they were while there were heavy duties imposed?—A. They were very much so.

Q. What deduction do you draw from that?—A. That the quantity exported to the United States is so trifling it has no appreciable effect on the commerce of Newfoundland. For instance, the quantity of fish shipped last year from Newfoundland to the United States was about 9,000 or 10,000 quintals out of a catch of 1,300,000 quintals. It is a mere bagatelle.

Q. Who supplies, then, the American market with fish?—A. The supply themselves. They have greater facilities to do so under the treaty than they had before. There is no likelihood of Newfoundland ever having to supply them now, whatever it might have done before.

granting them the privilege to catch fish inshore and take bait on the coast.

Q. Your exports to the United States amounted to far more when the duty existed than now the duty is off?—A. Yes.

Q. The Americans, having now the privilege to catch fish and bait on the Newfoundland coast, they, you say, supply themselves?—A. To a large extent.

Q. What are the markets essentially of Newfoundland?—A. Our largest markets are the Brazils, the Mediterranean, and England. To Spain, Portugal, Italy, and England we send the Labrador fish, an inferior description. But our best markets are certainly the Brazils.

Q. Are your fish cured in a particular manner to suit the requirements of those markets?—A. They are. The Brazils require a very hard-cured fish, and a very superior quality of fish; and in Spain they require a very hard and well and carefully cured fish; also up the Mediterranean.

Q. Are you aware as to whether fish have been imported into the United States from Newfoundland, and exported to the Brazils, West Indies, and other tropical markets?—A. I am not personally aware of it, but I believe such is the case. I have heard so from those who told me they exported fish.

Q. Are you aware of any difference in the mode of curing American and Newfoundland fish?—A. There is a very great difference. I have observed curing at the establishments at Cape Ann, Gloucester, and have visited there. The usual mode was to dry the fish three or four days, not generally more than four days, they told me, and then it was fit for home consumption. It would not stand a hot climate, nor would it answer to keep.

Q. Their fish is brought in in salt from the banks?—A. And then it is put in pickle in the stores, and, as required, it was sold out, perhaps 100 quintals with three days' drying, and another hundred quintals might require five days' drying, according to the distance it had to go. This was the system they told me they had pursued at Gloucester.

Q. Would fish so cured be suitable for the Brazil or Mediterranean market?—A. No. Our fish is kept on hand sometimes for six months. It would not answer at all unless it was hard-cured, and that requires from four to six weeks, under a moderate sun and cool winds.

Q. You are well aware of the climate of Cape Ann, Gloucester, and that neighborhood, and also of Newfoundland. What is your opinion, with regard to that climate, as to suitability for curing fish for tropical markets?—A. I don't think it is suited. It is too humid and too hot. And it oppressively hot here, and I know it is much hotter at Gloucester and Cape Ann.

Q. What would be the effect upon the fish?—A. I am certain the fish would melt—would fall to pieces. If they attempted to cure with light drying, as in Newfoundland, where the curing is found more suitable for the Brazils and European markets, I am sure the fish would be sun-dried and fall to pieces, and it would not be a merchantable article. I am quite certain of that.

Q. How long does it take to cure fish in Newfoundland?—A. To thoroughly cure fish fit for those markets, from 4 to 6 weeks.

Q. Then, in your opinion, the opening out of the United States markets, coupled with the concession to the Americans to fish on our coasts, really no advantage whatever to the people of Newfoundland?—A. I think not. The statistics prove it is no advantage; they speak better than any other testimony.

Q. You are fully aware of the mode in which the Americans formerly

got their bait to fish on the banks of deep sea?—A. Yes; I am aware of their mode of procuring bait. They usually used clams, pogies, or menhaden.

Q. What was the value of the bait which they brought down in the spring of the year to commence bank fishing, and what was the value of the bait they used during a season's fishing?—A. I have paid myself \$8 per barrel for clams and \$7 for pogies. I believe the average cost might be fairly estimated at \$6 per barrel to American fishermen.

Q. What was the quantity used during a season?—A. It is only a short time ago since one of them admitted that each used from 150 to 200 barrels of herring and other bait during the season; they could not conduct a season's bank fishing with less than 100 barrels of bait—not successfully.

Q. An average of what?—A. An average of 100 barrels; they could not conduct fishing successfully with less than 100 barrels of bait.

Q. Do you mean for the whole season or each trip?—A. For the season I mean.

Q. What would those 100 barrels of bait cost prior to the Americans having the privilege of getting that bait on the coast of Newfoundland?—A. Suppose there are 300 vessels on the banks fishing—and I believe there is pretty good evidence that there are 600 sail this season; admit that there are 300 sail——

Q. Take an individual vessel.—A. An individual vessel, 100 barrels at \$6 per barrel, would be \$600.

Q. For what can that bait be obtained on the coast of Newfoundland?—A. For about \$40. I am certain they never, during my knowledge, paid more than \$40 for 100 barrels of herring.

Q. That would be a saving of \$560 upon each vessel?—A. Yes; there would be a saving of that much.

Q. That, for 300 vessels, would be a large sum?—A. A saving of over \$160,000 a year.

Q. Upon 300 vessels?—A. Yes, upon 300 vessels.

Q. Resulting from the privilege being granted them of getting herring and bait at Newfoundland instead of having to bring it from the United States or Nova Scotia?—A. Resulting from the privilege of getting bait on the Newfoundland coast instead of bringing it from their own country.

Q. Are you aware as to any practice on the part of the American bank or deep-sea fishermen of throwing small fish overboard?—A. Yes; I have been on many occasions told they always threw the small fish overboard—fish under 22 inches in length, they told me. These fish were not suited to their market and were thrown overboard. That had been their practice, I know, for years.

Q. Since the operation of the Washington Treaty, what practice has grown up with regard to those small fish?—A. They save the fish and bring them into Newfoundland market, and sell them there at from \$1.50 to \$2 per quintal.

Q. And over, I believe?—A. I believe so, but I speak within the margin when I say from \$1.50 to \$2 per quintal. The quantity each vessel would catch would be about 200 quintals. That is, the quantity each vessel would otherwise have thrown overboard would be 200 quintals.

Q. How do you get your information?—A. I got it through the statement of an American vessel.

Q. His estimate was that every American banker would throw overboard 200 quintals?—A. About 200 quintals of small fish during a successful voyage.

Q. Now, that is entirely utilized by it being sold in Newfoundland.

and there is a duty on fish brought into Newfoundland of 100 quintals, which the American fishermen are now relieved of by the Washington Treaty.

What amount up, supposing the vessels to number 300.—A. At 200 quintals each vessel, would be 60,000 quintals of fish, at \$1.30 per quintal would give \$78,000 as the amount of duty on the sale of vessel on fish brought into Newfoundland. There is no value of the fish which would be thrown overboard if the fishermen were not permitted to bring it into the Newfoundland. At the low estimate of \$1.50 per quintal the amount would be \$90,000; and at \$2, \$120,000.

Is the fish very lightly salted?—A. It is lightly salted; they salt it for the Newfoundland market; they formerly threw it away. So when they discovered there was a market for the small fish, that it was adapted for the Brazils, they immediately salted it lightly, as the Newfoundland manner is, for sale in Newfoundland. They would not have thrown it away.

What quantity of salt would be used on that fish—100 quintals?—A. About 2 hogsheads to 100 quintals.

What is it per hogshead?—A. The price in Newfoundland is \$1.50 per hogshead.

What do you suppose, there is the labor of putting it down into salt, is it be comparatively trifling?—A. The oil would pay well for the labor. I have not computed the value, but it is the usual custom in Newfoundland that the oil pays handsomely for salt and for drying the fish.

What do you suppose the oil would be saved whether the fish were thrown overboard?—A. That I cannot speak of.

What do you suppose if the small fish were thrown overboard immediately taken out of the water, and the livers were not saved, you would not have the small fish would pay for the salt and labor used in drying?—A. Undoubtedly, it would handsomely pay for them.

What do you arrive at the conclusion that the value of that fish sold in Newfoundland, heretofore thrown away, is clear profit to the American fishermen?—A. There is no doubt about that. I have no doubt the remission of duties on that quantity of fish is far larger than the amount of duty on all products sent by Newfoundland to the American market.

What is the average amount of duties on Newfoundland products imported into the United States during the last four or five years?—A. I have taken up the average for the last five years. In the last three years the average amount of duties remitted on products shipped by Newfoundland to the United States is \$49,000.

What is the actual remission of duties under the Washington Treaty between the United States amounts to under \$50,000, while the actual amount of duties remitted on Newfoundland is \$60,000?—A. Seventy-eight thousand

dollars in remission of duties alone the account stands \$28,000 in favor of the United States.—A. Precisely.

Do you ever know a Newfoundland fisherman to go to the coast of the United States to fish?—A. You mean a Newfoundland vessel?

A. Never; such a thing was never known. I never knew of a vessel from the Newfoundland coast, except on one occasion, twelve years ago, when four vessels tried the experiment of fishing round the Azores Islands—British fisheries in the gulf—but found the fish so

inferior to that caught on our own shores they never went again. That is the only occasion I knew them leave our shores to fish elsewhere.

Q. From your knowledge of the statistics of the island, what is the value of the fish and fish products taken by Newfoundlanders from Quirpon to Cape Race and from Cape Race to Ramea Islands?—A. The value by the statistics is about \$5,000,000.

Q. Will you enter a little into details with respect to this?—A. There are between 900,000 and 1,000,000 quintals annually taken on the in-shore fisheries of Newfoundland. I estimate the value of that fish at \$5 per quintal. There are salmon, herring, squid, and caplin also.

Q. By what number of fishermen, approximately, is that product obtained; in other words, how many are actually engaged in taking it from the water?—A. I am speaking now of the codfishing on our shores. Between 900,000 and 1,000,000 quintals are caught, and the number of fisherman may be fairly estimated at about 15,000 men; I mean in the actual catching of the fish.

Q. By the census returns there appear to be of the people of Newfoundland about 24,000 engaged in catching fish. Now, how do you account for the difference between 15,000 and the 24,000 mentioned in the census returns?—A. The others are engaged in the Labrador fishery.

Q. From the returns it appears that the exports amount to between seven and eight million dollars, and you value the catch on that portion of the coast from Querpon to Ramea Islands at five millions?—A. Yes.

Q. How do you account for the small amount apparently caught by the 9,000 fishermen as compared with \$5,000,000 worth caught by the 15,000 fishermen?—A. The shore fish is of very much greater value than that of the Labrador coast. The price of the shore fish last year was 29s. 6d. per quintal, while the current price of the Labrador fish was 22s. and 23s. The Labrador fish is always 5s. or 6s. per quintal less.

Q. Or even more than that sometimes?—A. Sometimes; but you may take it as a general average 6s. per quintal difference in price.

Q. In the customs returns there is a general valuation of the whole, is there not; what is the valuation of the whole?—A. The general valuation of the whole Newfoundland fish, including inshore fish, was for last year under \$4 per quintal. I notice the fish caught on the Newfoundland shores was put in at the same rate, evidently an oversight of the customs authorities, as it is far below the actual value, because undoubtedly the actual value last year was 29s. 6d. per quintal, and this year, before I left St. John's, shore fish were selling at 27s. 6d. per quintal. I estimate \$5 or 25s. per quintal as a fair average price of Newfoundland shore fish.

Q. Then, after a very careful investigation of these returns, you arrive at the conclusion, to which you are satisfied to pledge yourself on oath that between Quirpon and Cape Race and Ramea Islands, on a fair estimate, the fish caught annually would be worth \$5,000,000?—A. I am; I believe that to be a fact.

Q. And they are caught by about 15,000 men?—A. I estimate that. The other point is carefully worked out.

Q. There are other fish taken which you make use of for other purposes?—A. The fishing class live almost entirely on fish, of course, and all classes in the country consume considerable quantities of fish.

Q. Do you make an estimate as to the consumption?—A. There are 150,000 in population, and say five persons in a family—the census shows more than that, but for the purpose of this calculation take that—there are 30,000 families. I think five quintals of fish would be a fair average of the consumption of each family, and they would use five hundred

herrings to each family. I have known instances where families aside ten barrels of herring each. All the fishing class partake and herrings three times a day. That fish I would value at less than cured fish, because all consumed during the summer would be not worth within \$1 per quintal of the value of other fish. When there is a large amount of caplin and herring used for manure—A. Yes; and in fact it is almost the only manure they use on the island.

Putting the whole together, what do you make up the amount to? I think the value of the home consumption and that used for other purposes is fully \$1,000,000, or very near to it. I think it is a fair estimate to put it down at \$1,000,000.

When you consider the value of the inshore fishery, as at present it is, is worth about \$6,000,000 annually?—A. Yes, I think so.

Are these cod-fisheries capable of further development in the colony? We have every reason to believe so. The fishery has been increasing for a number of years, as the population has increased. I think we have every reason to believe that there is an abundance of fish round the island when the fishing is properly prosecuted.

With regard to bait, you say the bait is found in large quantities in the bay and at every inlet and beach on the coast of Newfoundland?—

During the last two or three years have there been American vessels on the coast for bait?—A. There has been a great number. Immediately the Washington Treaty had been negotiated, and when it was accepted by Newfoundland, I took special interest in the matter and made special inquiry, as at that time I was in the legislature of the house, and I was anxious to inform myself. I found that vessels had entered Fortune Bay. I counted 47 vessels myself at that time, and from that date to this they have continued visiting the bay. At that time they had not gone farther east than Placentia Bay. The people of St. John's had never seen any American vessels after bait, nor had any been seen at Conception Bay or Fortune Bay.

During the last two years many vessels have visited the east coast of the south coast for bait?—A. I have seen a great number of them, but have seen a great number of them this summer.

How far north have they gone?—A. They have gone to my knowledge to Trinity Bay, but you may have evidence that they have gone farther north.

Have they gone farther north?—A. They have gone to my knowledge to Trinity Bay; but I am not aware that they have gone farther north.

Do you believe as a matter of fact they have not gone farther north?—A. I think they have. As far as my knowledge goes, they have not gone farther north.

What is the principal resort is between Cape Race and Conception Bay, Newfoundland?—A. Yes.

Between Cape Race and Fortune Bay, inclusive?—A. Yes.

During the past summer were there great numbers of American vessels at these localities?—A. There were. Every harbor had more or less. At St. John's, during one week—I was living there, and I overlooked the harbor—I counted over 50 sail. Some of the authorities told me over 100 vessels had come in the bay and some of the harbor or remained just outside. On my way across to Con-

ception Bay and Harbor Grace, on 14th or 16th July, I saw three American fishermen in Portugal Cove. I saw their dories and the crew getting squid. I made inquiry, and was told they were purchasing them at 5d. and 6d. per hundred, and they also caught all they could themselves. I made further inquiry at Holyrood and found they were doing the same. They were catching squid as fast as they could, and were buying at the same time. At Mosquito, near Harbor Grace, there was an ice-house, and they furnished themselves with ice. During the week of July 14 six American vessels had got ice there, and they jigged squid at Harbor Grace Island, about one mile or one mile and a half from Harbor Grace, and they had rather thinned the squids out.

Q. I want to understand whether in those localities American fishermen have been constantly coming in during the summer for bait?—A. Yes; every day during the season.

Q. The bait was sometimes purchased from the people and sometimes caught by themselves?—A. I think they always combined the two together. When taking the herring themselves with seines their crew would haul in the herring with the assistance of the seining-master, and when jigging for squid the crew jig what they can and the skipper buys what he can. When seeking caplin, they assist in the same way. Some vessels bring their own seines for the purpose of taking caplin.

Q. What are the habits of squid?—A. Squid are never taken around Newfoundland, except near the shore, on ledges; generally, in a harbor or entrance to a harbor.

Q. They come in the coves?—A. No; they don't come into the coves. The caplin do so, but squid are caught on what are called squid ledges, which are a short distance off, perhaps a quarter of a mile.

Q. They are taken on jigs, not in seines?—A. I have known them taken in seines.

Q. It is prohibited?—A. It is prohibited; it is contrary to law.

Q. What has been the temporary effect on local fishermen of the great draught made in some places among the squid?—A. It has deprived the local fishermen of bait for the time being. I can describe the effect it had on the fishermen of Harbor Grace Island. I conversed with three of them, and they told me they had been five days without sufficient bait to catch the codfish, because the squid had been swept from their little jigging ledge. It was a place of very limited extent, and not like the usual places for catching squid.

Q. Then, although there may be a large quantity of squid bait on the coast, constantly coming in and out, still the increased demand upon these ledges make it temporarily difficult for local fishermen to get squid?—A. To only a limited extent, because they are taken more generally; but it would apply more particularly to caplin, which can only be taken in narrow coves. I have known many cases in which a seine has completely swept the cove and left the local fishermen without any bait for the day. As a matter of fact, caplin come in with high tide and if you do not then take them, you will not get any till the next high tide; so that if five or six caplin seiners take the bait for American fishermen, the local fishermen, with their dip-nets, will have no opportunity of taking any until the next high tide. It certainly makes a local scarcity, which sometimes will last three or four days.

Q. So far, then, it is a temporary injury to the local cod fishermen?—A. No doubt it is. Without destroying the immense quantities of bait on the coast, it does produce a local scarcity occasionally.

Q. The Americans purchasing the bait from the seller puts so much money into his pocket, and so far as a matter of trade, is an advantage

individual; but what is the effect upon a small community of one or two individuals supplying American vessels with bait. My own impression is, that supplying American vessels with bait is one of the most demoralizing things for our fishermen. I think of them acting as mere jackals for the lion. It is most injurious to them in more ways than one. The system of trade in Newfoundland is principally on the credit system, and a very expensive one. Most of the fishermen are indebted to the merchants, and they are often enough to take \$20 from an American fisherman when they are catching cod for the merchants who are supplying them with goods. I therefore think it is a demoralizing trade.

Would the fisherman's time not be much more beneficially and more usefully employed if, instead of getting \$20 for supplying Americans with bait, he applied himself to catching codfish with that bait?—A. To illustrate it: Two days before I left St. John's, a schooner going to Bay Bulls, 18 miles from St. John's, was in the office of Mr. Ambrose Shea, and informed me that two days previous American vessels were in that bay, and engaged a number of local fishermen to catch bait for them, for which they obtained about 9d. per quintal. During the same day a fisherman went out and caught 10 quintals, worth \$5 per quintal. So any person can estimate what a demoralizing trade of bait-fishing is. This I am certain is the fact.

Is the bait business in Newfoundland generally conducted on the credit system?—A. Yes; pretty generally. It is so all over the world where cod fishing is carried on. It requires such an enormous outlay of money generally done on the credit system.

Is there is great attraction in \$20 in cash to a fisherman?—A. Yes, they are very reluctant, but money and rum are a great object with them there.

Are you aware of the mode in which the Americans prosecute the bait business?—A. I am aware they prosecute it with trawls or bultow fishing, and deep-sea fishing with deep-sea lines.

What is the general opinion entertained as regards the immensity of the supply of bait upon the deep-sea fishery on the coast of Newfoundland?—A. The general opinion is that it keeps the fish on the Banks. I will state it: about twelve years ago there had been a law passed prohibiting the hauling of herring before 12th of April, but practically it was avoided, because there were no persons to carry it out, and they were fishing with bait before 1st April, in many instances catching herring; they got early to the Banks, and the consequence was a season of poor fishing. I remember that I induced the government to place a steamer on the western coast for the purpose of carrying out the law rigidly, and I volunteered myself to carry the law out. From that day to this it has been rigidly enforced, and the consequence has been that the fish have struck in during all these years much earlier than before, and we have had much better fishing. I think we may conclude from this that a large and early supply of bait on the Banks is a great injury to the local shore fisheries of Newfoundland. It is a fair inference.

Mr. Dana:

What was it that the vessel was to prohibit?—A. To prohibit the hauling of herring before 12th April; the law now is before the 20th.

Mr. Whiteway:

On the eastern and south coast of the island, how has the cod fishery been affected?

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en during the past two years?—A. I think not so good.
 . The Americans have been supplied with abundance of
 ave laid down far more hooks than they were able to d
 erstand the bankers' catch has considerably increased, and
 hat this is the cause why the fish are scarce on the southe
 wfoundland. The fish are scarce there, and American bait
 plentiful and they have bait more plentiful than before.
 There are larger quantities of bait obtained from the
 number of American fishermen are on the Banks, and
 increased the cod fishery has decreased on the shore?—A.
 e facts.

The general impression is that the fish are prevented co
 anks?—A. Undoubtedly; you could not meet with three fi
 wfoundland who are not very clear on that point.

North of Bay Conception, where the Americans have fish
 een the fishing during the last two years?—A. There w
 g last year in Bonavista Bay and on the north side of Trin
 south of that there was poor fishing. I only state these
 t assume to know the reasons.

You are thoroughly conversant with the mode of carryin
 g as regards supplies and profits?—A. Yes; I had ma
 ence of it.

Will you state to the Commission the profits of a voyag
 prepared two statements, as follows:

Outfit for two men in one punt.

homs rope, 9-ply ratlin.....
 s, at 40 cents.....
 at \$20.....
 . hooks, at 12 cents.....
 , gaffs, knives, cast and dip nets.....

ill cost \$40, and last 6 years.....

Provisions two men one month.

| | |
|-----------------------------|--------|
| bread..... | \$3 00 |
| lour..... | 2 80 |
| ids pork..... | 5 00 |
| ls butter, at 30 cents..... | 2 40 |
| ls tea, at 60 cents..... | 1 20 |
| ls molasses..... | 1 20 |

15 60—12 months.....

· 160 quintals fish, at 20 cents.....
 one-third their catch.....

verage catch will be 80 quintals per man—160 quintals, at \$5

et profits.....
 l to 32½ per cent.

| | |
|--|----------|
| with 4 hands, average catch, 400 quintals, at \$5..... | |
| provisions 5 months | |
| -boat..... | \$400 00 |
| t 15 years with repairs..... | 100 00 |
| ..... | 100 00 |
| d material | 140 00 |

740 00

| | |
|------------------------------|-------|
| year | \$50 |
| ..... | 20 |
| ine \$80, last 10 years..... | 8 |
| ..... | 12 |
| dozen..... | 19 |
| ..... | 10 |
| ..... | 8 |
| fish | 80 |
| | <hr/> |
| | 363 |
| ne-half their catch..... | 1,000 |
| | <hr/> |
| | 1,363 |
| | 2,000 |
| | <hr/> |
| | 636 |

fit equal to 32 per cent.

These are statements to which you pledge your oath as being, correct?—A. I am certain they are correct. The estimate of fish is an estimate; I am certain it is a correct one. At all points I swear positively to as being correct; that is, as

is alleged that only small herring are used for bait; is that true?—A. Certainly not. They could never stop to catch only small herring. They take the herrings as they catch them. They take the small herring for bait as are used for commerce.

Under the circumstances you have referred to, Newfoundland does appear to be much benefited by the Washington Treaty?—A. It is injurious to Newfoundland; perhaps I may be prejudiced. From my own experience I have always been of that opinion, that it would be injurious, and I believe it has acted injuriously; and further, you cannot find three men in the island—I only know of one, and he is the only one who never changes his opinion—who do not believe it is disastrous to the country.

It seems strange that the legislature should have been induced to accept the treaty; can you give any reasons for it?—A. There were several motives. One motive was that it was part of the imperial policy of the United Kingdom. Newfoundland is, generally speaking, a very obedient, humble servant of the British Empire. Another reason was that, I think, the merchants inferred from the effects of the Reciprocity Treaty that their fisheries would not be seriously affected by the fishery privileges granted under the Washington Treaty. They are located in Saint John's, and had no direct means of communication with the interior districts, and that was the reason that because the Americans did not visit the island for business under the Reciprocity Treaty, therefore they would not visit the island under the term of the Washington Treaty. Another reason was, that they thought it would give them a market for their cod oil, and that they had anticipated that seal oil would be allowed in under the treaty. We are so ignorant in Newfoundland we could not discriminate between one fish and another so far as products went. We assumed that seal oil would be admitted into the United States as cod oil. These were generally the motives that induced the merchants to accept the treaty.

As regards salmon—don't you obtain a quantity of salmon?—A. I do not obtain a quantity of salmon there, but there is rather a difficulty in getting it to the United States, for although salmon is allowed in from the American Government has decided that the tins that contain salmon should pay the duty.

Then all anticipations as regards salmon have completely disappeared?

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red?—A. They have all fallen through. They assumed that if the duty were taken off they would get the same price for the oil that it was when the duty was removed; but to their astonishment the duty was taken off that cod-oil fell in price, and it was sold to them, and the United States was no market for it in view of the treaty being passed. The price for English merchants and was never sent to the American market was lowered so soon. Was there nothing else in the mind of the negotiators?—A. I don't remember.

Nothing in regard to compensation?—A. Yes, but not for the most part.

They fully anticipated compensation?—A. Yes, but not for the most part. It is all we have a right to expect.

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conference met.

examination of Judge BENNETT was continued.

By Mr. Whiteway:

Question. You spoke of the deep-sea or bank fishing by Americans and others with trawls; what do you mean by bultows or deep sea lines. It is the old "bultow" documents about three hundred years ago. "Bultow" is used in Newfoundland.

Will you describe what is the mode of fishing with bultows about 100 fathoms long and about the size of a line conducted by American fishermen they join together until they have sufficient to hold a line one fathom apart. That is, a bultow line for each line.

And those lines are buoyed?—A. No; they are buoys to indicate where they lie.

Then one vessel fishing with an immense line covers a large area of ground?—A. Of course, a line of bultows requires two bultows, and there are usually two bultows to each American vessel. The large

And when you spoke of the bait being distributed over a large area of ground, did you mean that a large number of bultows were used?—A. Undoubtedly. Three or four with six or eight bultows of the size I have mentioned cover a large area of ground.

Thereby distributing a large quantity of bait over a large locality?—A. Certainly; that would be the case. Now, with regard to the western coast of America prior to the Washington Treaty of 1846, that is from Ramea Islands to Cape Horn, is that suitable as a basis for carrying on fishing?—A. Only to a limited extent. The bays and indentations of the coast at that part of the coast are not sufficient depth to hold a line. It could not be relied on as a basis for carrying on fishing.

Then, again, it is far distant from the banks

tant than Placentia and Avalon on the southeast part of the banks; but of course very much nearer than is Gloucester to the United States. I may say in connection with that, I never heard of Americans making that a basis of banking operation to the privileges conceded by the Washington Treaty.

Q. I say American bankers take 40 or 50 barrels of bait each time to the coast of Newfoundland?—A. Yes; that is about the quantity, I think.

Q. What is the usual number of bait trips that a banker makes in order to obtain a voyage of codfish?—A. Well, I think usually about three times they will require to bait; twice certainly, and for three or three years, or at least this summer, the fish are not at the banks, and I understand they have been obliged to come out more often for bait before they made up the trip.

Q. When you spoke before of an American vessel requiring 100 barrels of bait, starting from Gloucester or Salem, or an American port to enter the bank fishery, did you mean that that would be all the bait the vessel would require for the season?—A. No; certainly not.

Q. That they could not carry on their operations with any success without at least 100 barrels, but in order to conduct their operation successfully and as fully as they do now, they require at least 200 barrels of fish, probably 250 barrels. I fully believe they are using larger quantities of bait, now that they have an abundant supply, than they formerly did when obliged to pay a high price at home and bring it such an immense distance with them.

Q. American vessels would think of starting on Bank-fishing with 100 barrels, and depend for the remainder upon what they could get on the banks in the shape of squid and other bait?—A. Well, I doubt they could ever take 100 barrels of salt bait when they left on the trip, but I think they would require that much salt bait for three or four months in addition to what fresh bait they could secure on the Banks and in the bay. They would require that in order to insure a fishery. I think in the last four or five years, squid were rather abundant on the banks, and the Americans were able to obtain during the months of August and September a considerable portion of bait on the Banks without leaving them.

Q. I say that heretofore squid were found on the banks; what is now as reported to you by American captains?—A. On the day before my leaving St. John's I was in conversation with a gentleman, an American captain, and he informed me there were very few squid on the Banks; they had taken a few and had found them scarce. When bait there was a fish on every hook that had a squid on it, and when he could not get sufficient of them he immediately hauled up and went to St. John's to procure a supply. But he told me at the same time that squid had not been plenty on the Banks for some four or five years.

Q. In comparing an American vessel fitting out, say at Gloucester, for the fishery, taking her first bait from there, and subsequently during the fishing season going either to an American port or a Dominion port, as compared with a vessel fitting out at Gloucester and having to go to the coast of Newfoundland to obtain bait, what is your estimate of obtaining bait on the Newfoundland coast, what is your estimate as to the number of cod-fishing voyages the one would make as compared with the other?—A. Of course I can only give an approximate estimate. There is a very great difference between being obliged to go 1,000 miles for bait and going 1,000 miles for bait. That, of course,

a large item. I should think that the Americans make four voyages where they formerly made two.

Q. Four cod-fishing voyages where they formerly would think so; and it appears to me that with steam now running from St. John's they may have great shipment there. They have not up to the present has only been established a short time—but for big people I imagine very little time will elapse on account of the steamers to transship their fish and hire of vessels to go 1,000 miles and return on account of delivering their cargoes. I suppose they have done so, I understand, at other colonies with their cargoes.

Q. Well, in addition to the privilege of obtaining also of transshipment, what facilities are there for the preservation of the bait?—A. There are ice-houses on different parts of the coast. They are getting ice. They tell me they get it at \$4 or \$5 per ton.

Q. Now, what time would it take for a Bank of cod-fishing ground on the Banks, come into the harbor and go back and commence operations again?—A. Somewhat on the distance they were out fishing. If 50 miles out she would certainly, with a favorable Newfoundland coast within 24 hours, for they are fast vessels and sail well. In nine cases out of ten they delayed more than one day to obtain bait, and then about the same time as was occupied coming in. In three days the whole operation may be performed.

Q. You have said nothing with regard to the bait. You describe it, and to what extent it is prosecuted on the Newfoundland coast is a very limited area. It is limited to the waters between Brimley and Pass Island in Hermitage Bay. It is said that it was a very prolific fishery for a number of years when it was pursued with hook and line. I think about 1870 Americans visited that place for the purpose of fishing very thoroughly. They fished early in the spring, when halibut was in great demand in New York. They carried them there fresh in ice, and I know that the fishery from that time to within the last three years has been about exhausted it now. They have completely ruined the fishery, and I have myself seen six American vessels within three miles of the land fishing for halibut on one day, four or five years ago.

Q. Are there any American vessels which fish within the three-mile limit for codfish as well as for halibut?—A. In they have fished at Grand Bank, in Fortune Bay, and Mary's Bay. I have not seen them myself. They are now formed, and I have every reason to believe, that they will stay at that locality.

Q. You spoke of the French fishery yesterday. Do they use salt bait?—A. They use salt bait. They buy bait from the Newfoundland people and salt it themselves on board.

Q. Then there is this distinction between the French, that the French buy their bait from the Newfoundlanders who catch it and buy it in the manner you have

French never visit the Newfoundland coast. The Islands of Terre and Miquelon are their headquarters. The Newfoundlanders carry the bait there fresh to sell it to them.

Do you refer to the people of Newfoundland living in small settlements along the coast and carrying on fishing in their immediate neighbourhood; are these people dependent solely or almost solely upon fishing for their support?—A. They are.

Are they essentially a fishing people?—A. They are essentially a fishing population, and they are settled on a narrow fringe of land on the coast; the interior is unsettled, and if there are any agricultural lands I believe there are excellent agricultural lands on some portions of the island, they have not yet been cleared and cultivated. They depend solely on the fisheries.

Would you deprive them of their fisheries, as at present situated, and you would deprive them of their all?—A. Starvation, and nothing else but that.

Could any money compensation could recompense them for such a loss as the loss of their fisheries?—A. I am not prepared to say that no money compensation could do so. I imagine that an amount equal to the debt would compensate them. I don't estimate the value; but the men who are left without means of earning a living for themselves and their families can scarcely be compensated with any amount of money.

Hon. Mr. Kellogg:

How far are the hooks on the bultow suspended from the main line?—A. About half a fathom. With the French the length is nearly a fathom, and with the Americans between three and four feet.

Sir Alexander Galt:

Where is the line at the bottom?—A. The line and hooks both lie at the bottom.

Do the fish feed at the bottom where the fish are feeding?—A. The fish are feeding on crabs and small bait, and they pick up the herring as they come to the surface.

Hon. Mr. Kellogg:

Do they use squid bait on the trawls?—A. Yes, and find it very good bait.

Do they use whole one, or squid cut up?—A. Newfoundlanders use squid whole, but Americans economize the bait. They put out a far greater number of hooks than the Newfoundland people, and economize by cutting it up.

What bait do they use for halibut?—A. Herring.

Mr. Dana:

Will you have the kindness to mark on the map the portion of Newfoundland that the French have some fishing rights in?—A. All right along the north part of the island, from Cape John to Cape Ray. They have fishing privileges there with Americans and English.

Did the Americans had the right before the Washington Treaty went into effect to fish there?—A. From Ramea Islands to Cape Ray, northward to Quirpon, and thence on the Labrador coast as far as they chose to go without interfering with the rights of the Bay Company.

Do the people, I believe, fish for cod in boats, do they not, mainly?—A. Yes, in boats, but called by different names; distinct descriptions of boats, seining skiffs, &c.

Q. There was a time when the people of Newfoundland sent vessels to the Banks to fish in deep water?—A. Yes: it was to a certain extent, but not wholly relied on.

Q. There was a time when it was entirely cod fishery? What is the greatest number of vessels, Newfoundland, that went out to the Grand Banks in early time there were three or four hundred?

Q. That was how long ago?—A. About a hundred years ago.

Q. The population of Newfoundland then was what it is now?—A. It was contrary to law to settle until eighty years ago that permission was given to settle on the coast of the island.

Q. They were all until then squatters?—A. They called them; that is not a term used in Newfoundland.

Q. You know what it means?—A. Yes.

Q. Was that their status down to eighty years ago positively as to the time, but until thereabouts?

Q. The people planted there in defiance of the Grand Banks fishery?—A. I did not say that. A fleet came from the west coast of England; French.

Q. What was the population of Newfoundland 20,000 in the early history of the colony.

Q. At what time, in its early history, had Newfoundland number of vessels engaged in the cod fishery years?—A. But I spoke then of the English port fishery.

Q. What was the time when the people of Newfoundland largest number of Bank fishing vessels, owned by themselves?—A. I am not prepared to say. I think

Q. About how many vessels in all?—A. I think Newfoundland never had more than from 80 to 100.

Q. When did the Newfoundland Bankers begin?—A. I am not prepared to say, but I suspect that they began during the French and American war—about 1812. I have not matter carefully, but I think about that time.

Q. Was it a steady diminution, do you think?—A. Diminution after that.

Q. Down to the present time?—A. No; down to the present time, when it ceased.

Q. That would be about 1842?—A. Yes; about 1842.

Q. What brought it down so that it ceased?—A. Because the shore fishery was more profitable; less expensive and equally productive.

Q. Was not one cause want of capital?—A. There has never been a cause in Newfoundland. The want of capital; so abundant is capital in Newfoundland that money are lying uninvested. There is no want of capital in Newfoundland, and it is probably the only part of the world where capital is really plentiful.

Q. What is the rate of interest?—A. 3 and 4 per cent.

Q. You say there is plenty of money lying uninvested?—A. There is abundance of money.

Q. You don't think the want of capital even in the Newfoundland fleet?—A. I don't think so.

what do you attribute it, beyond the fact that they make more
 y boat fishing?—A. I don't know of any other reason.
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 ps?—A. They have in schooners of 50 or 60 tons within the
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they would not carry it on if it did not pay them?—A. They

have no other employment, or not much other winter months in some localities.

Q. Now, as between man and man, is it not your people that when they have got no other employed they may starve, to have this trade I think it is a good trade for them, but, as I only gets 5s. per barrel for his labor is not so he gets \$8 or \$10 per barrel for the same article; work on it except to carry it to market.

Q. To whom do you refer?—A. I refer to the man who has prospered by the Newfoundland fisherman. He gets 10s. per barrel for his services.

Q. Does he not receive the market value of his labor?—A. He is not obliged to work for Americans if they do not want him. He has no contract nor is there any servitude.

Q. They get the market value for their labor.

Q. When an American owner sends his ship to New England and buys this frozen herring and takes home the proceeds, but some outlay?—A. Certainly.

Q. A very large outlay?—A. Certainly.

Q. It may or may not be a profitable investment. In fact it has been a profitable investment. And I may say, in this connection, that Newfoundland is a matter of very great hardship. After the American fishermen cleared out the fisheries, came to Newfoundland and bought those who were prohibited by the American custom authorities to export fish, as having been caught by themselves, the American fishermen being thereby excluded from the American market. Those fish, because there was a duty of \$1 per barrel which the American fishermen avoided, but which Newfoundland fishermen paid.

Q. There is such a thing as getting excited. Had Newfoundland fishermen really sent frozen herring to New York?—A. The fisherman had not been engaged in the trade had.

Q. Was it not an advantage to the Newfoundland fisherman as a good market in the United States for frozen herring for the whole people, but to the few people engaged in the trade?

Q. There were as many people engaged as there could be more?—A. Yes; and no more.

Q. If the business fell off in the United States, would there be a demand for frozen herring, to some extent the same?—A. Yes; but it was a very small business.

Q. How many barrels did you say?—A. I said that if you will refer to the statement I handed you for a number of years it did not exceed 15,000 barrels.

Q. When you spoke of a very small business, what were your own figures?—A. I had not forgotten that.

Q. Do you suppose your own merchants would have more than the American merchants did?—A. I think so.

Q. So it was not an intentional injury?—A. No.

Q. It was a matter of trade?—A. It was a matter of trade. There was very little competition and an ample supply.

Q. Is it not true also that not only American

t American vessels, traders in frozen herring, come down them to market to sell, and are entered and licensed as L. I think it is probable. I am not aware that such is the

now there is a class of American vessels coming to Newfound- fill up with frozen herring and take them to the United ets?—A. Yes; I believe such is the fact.

that a growing business?—A. No; it is not.

diminishing business?—A. I think it is.

o you account for that?—A. Because one portion of those required for baiting the fishermen, and the other portion d for the Boston and New York fresh-fish market. The getting bait on the Newfoundland coast now no longer neces- carrying of bait from Newfoundland to Cape Ann to the as was done a few years ago. So I think it is a diminish-

n tell us that the Americans, irrespective of treaties, used their bait on the island?—A. I did not say for years back. y had before the Washington Treaty. They did so, for it ny observation in 1872. In 1871 I am aware they did it to ent; I think for a year or two before that to a very limited

n 1866 and 1871?—A. I would not say that.

t true that there is a herring supply at other places besides d, say at the Magdalen Islands?—A. There is a large herring in May; but I always understood that the herring went rn and only remained a short time, and after spawning struck r years I have understood that to be the fact.

it at Labrador?—A. There is no herring on the Labrador bout this time of the year.

ust; how long do they remain there?—A. Until November,

y frozen there in November?—A. No; they salt all herring dor coast.

re taken as salt herring for bait?—A. They are taken as an mmerce; I am not aware they are taken for bait.

American market is not limited to Newfoundland for its a article of commerce?—A. No; certainly not. I imagine n fishermen catch a large quantity of herring on the Labra- d that may be one reason why there is so small a demand lland herring in the American market, because they supply

ne that American fishermen catch herring on the Newfound- —A. I think so; I think they do.

y cannot afford to give the time?—A. They spend two or there every winter. Do you mean for commerce or for

for bait. The American bankers when on the Newfound- t away as quickly as they can, do they not?—A. Yes.

id that you thought, on an average, they would not be de- than one day to get bait?—A. Yes.

re not, therefore, fishing for herring. I observed the man- the question was put by counsel—"any one who helped to

—A. I never saw Americans assisting the Newfoundland ul nets; I said seines. I wish to distinguish between them.

AWARD OF THE FISHERY COM

They come in and make a contract with
?—A. Precisely.

They want it as quickly as possible ?—A.

The Newfoundland fisherman has got the line across a little inlet and incloses a body of

And he supplies the vessel as quickly as possible would be the result. That is an illegal mode Newfoundland men would not violate the law American fishermen. Remember, it is illegal.

It is also true that the person who permits is so a little in fault ?—A. I think so.

Without going into the merits of it; tempt Newfoundlanders does draw his seine across the inlet for fish ?—A. Not as a general rule. I only permit it to a limited extent, because I cannot permit it to yesterday it was a general thing. I said it was not by any magistrate or customs authorities that they engaged a man—the owner of the vessel and knowledge of the localities, and obliged to secure the bait.

According to your opinion a large part of the reach of the magistrates ?—A. Not so.

And having a great part beyond the reach who do yield to money, they do inclose the fish all to Americans ?—A. They do to a certain extent.

When Americans come and wish to fish for cod on who has a boat and seine ?—A. I did not see his seine.

And he goes to work; and it is his contract. Undoubtedly it is his contract.

It is his business ?—A. It is his business.

And the American vessel helps him ?—A. Without helping him, and the vessel gets the fish in consequence; it is a joint affair in which

The Newfoundlander is the man who conducts that.

What is the cost of the seine ?—A. It would be of its size.

What is the cost of a seine such as he would use? Different sizes are used. In some places, where a seine costing £20 would be sufficiently large, in others costing from £80 to £100 would be sufficient for 400.

That is the sum invested in the seine ?—A.

The people are so poor as to be on the verge of starvation are now assuming I said that. I never said

I understood you to say that they were in a state of starvation; but I did say that if deprived of their fisheries; but I did say that they were suffering starvation. If deprived of their fisheries it would be the case with all of us, they would be in a state of starvation.

If they had a single season in which the fisheries were successful what would be their condition; would it be of help to keep them from the borders of starvation? It is a hypothetical case; I never knew

If a man owns a seine and an American

it as soon as possible, the man takes charge of the seine?—A.

takes charge and furnishes the seine and some men?—A. It is in some cases. In the case I spoke of yesterday, I said I saw any one but the seine-master. I believe some men may be in some cases.

the crew of the vessel will take hold?—A. Yes.

having their help, he charges less for his herring?—A. Certainly get the herring much cheaper by assisting to take them.

paid by his contract?—A. I don't think he is paid any compensation that season of the year for the services rendered—any adequate compensation.

not ask whether he was underpaid; he is paid, whether or not?—A. Yes; paid something.

gave us some figures, yesterday, to which I wish to call your

You made a calculation about the profits of an American fisherman?—A. I think not.

made a calculation of the cost of outfit of two men and a vessel, made that up by charging certain expenses for lines, nets, and so on, at \$5; then you took the annual cost of the investment in the vessel for one year, supposing it to last six years, at \$6.66; and provided for two men for a month, and multiplying that by 12 for number of months in the year, making \$187; then you supposed the making of the vessel, supposing each man to catch 80 quintals at \$32, and wages of the catch. Do you think that is the average wages?—A. I think, thinking, it is a matter of common custom in the fisheries, that it is the actual common custom, the usual way of paying the men.

wages at all?—A. Not wages, but as sharesmen.

what would be the average share?—A. Precisely.

suppose that each man catches 80 quintals, making 160 quintals, and put them at \$5 per quintal, making \$800. Is \$5 the usual price?—A. I think it is a fair average price.

you deduct from the \$800 \$547, which leaves \$252.20, which is equal to 32½ per cent.; 32½ per cent. on what?—A. Upon \$800, the value of the fish.

is the percentage of profit upon the catch of the fish, after all expenses, not on the capital?—A. I put in the whole cost of the fish and put in the whole quantity of fish.

deduct the cost from the whole sales of the fish?—A. The cost of the vessel for getting that quantity of fish.

leaves a net profit of 32½ per cent.?—A. It leaves a net profit of 32½ per cent.

you any change to make in that?—A. No.

do you think they make 32½ per cent. per annum?—A. I think that supports the families of the fishermen throughout the year.

the fishermen have been taken off?—A. But there are the owners and the master-fishermen.

mean the owner?—A. The owners are fishermen themselves, and their servants. The merchants do not carry on the fishing business.

mean to say it is nothing but net profit?—A. I put it as such. The calculation was complete within itself.

suppose that the gross sales being \$800, the net profit, deducting what you think should be deducted, is 32½ per cent.?—A. I think so.

AWARD OF THE FISHERY COM

And you have deducted, among other things, the men in the boat?—A. Precisely.

Then what becomes of the 32½ per cent., to the owner, the owner of the boats and the men?—A. A fisherman of the better class, with credit, has to support his family out of the 32½ per cent.

Do you not consider that the 32½ per cent. is a gross sale? You have the gross sale \$800, the pay of the two men, only \$252.20, and leave the owner of the boat and nets?—A. You are saying the fish is \$547. The net profit is \$252.20 to support his family—not a very large amount for two men. It is a very fair profit.

The question of supporting his family is out of the amount invested a very large return?—A. A usual return. I think this statement, so far as it is made up, and includes every legitimate expense.

Do you include with it the making of so much fish?—A. That is the usual price paid for making fish.

So that when you take the usual price for making fish, it is equivalent to allowing interest on outlay, such as is sought that reasonable. What I meant certainly was paid as a fair estimate of what was right.

Do you suppose that these parties deal in fish on these terms?—A. Yes.

Is that always the case with your fishermen when they are concerned?

You think on an equality for making contracts?—A. The men who are put down on equal terms, but the men who fit them out are the merchants. There is a distinction between a servant and the other a master.

The men who are servants are not on equal terms; they have one-third share and are poor men, and, though they have good credit as the better class of men. There everything depends on credit; the better the credit, the better the terms?—A. Yes; to a large extent.

Next, you took a boat with four hands.

at 400 quintals, which, at \$5 per quintal, is \$2000. But the catch at 400 quintals, when the catch is 100 quintals?—A. Well, the boats I had in view were fishing localities on the southern shore for Saint Mary's, Capes Pine and Lawn, and I took a boat which would cost £70 or £80, and thus afford them greater credit, costing £10, and thus afford them greater credit.

I know that 400 quintals would be a fair catch for a crew of four men.

That is 100 each?—A. Yes.

Instead of 80 quintals?—A. Yes. You will find it as well as a vessel costing £100.

You have allowed half the catch to the men?—A. The men are only engaged during the fishing season in the year, and are only fed by the planter as the other men are fed during the bad fishing season, all the year round.

AWARD OF THE FISHERY COM

is that different mode followed—tha
employed during only a portion of the t
be time?—A. The large boat is engag
g and in the herring catch in win
of them are laid up after the voyage
pursue the fishery according to the

large boats are employed at bait-fish
?—A. In the spring, for a short tim
go cod-fishing.

the herring caught by the man who ov
labor?—A. They go shares, I think,

boats having taken their herring
—A. Yes.

erre is a free port, is it not?—A. It
not in fact so? Can anybody go the

—A. The duties, I think, are 2 per ce
ottoms. It is free to American bott
t to all foreign vessels 2 per cent. di
ou sure that is so?—A. That is, not.

is there to prevent that becoming a
spot for bait for the French.

should it not become so for America
ed by the governor at St. Pierre, pr
g or getting bait there; it also forba
their boats confiscated.

did you see it?—A. Five or six yea
n operation now?—A. I don't know.
point of fact, whatever the proclamati
t true that the Americans do buy ba
know that they do; I have never kn
there for three years, and therefore
old us that you considered this treat
without reference to distance from yo
g prosperity of your island. I thin
men on the island who did not believ

you name these three men?—A. I c
ould rather withdraw the stateme
to them.

ould rather not name the men?—A.
y injury likely to flow to them?—
roduce the name of any gentleman
have made their opinions publicly kn
as.

a public man?—A. A public man.
ps he would not like to have that kno
made their opinions known among the
no objection to having their names n
an unwarranted use of their names.
k you said they were merchants?—A

IVE NO.

you any objection to stating whethe
a merchant, the other two are not m

AWARD OF THE FISHERY COMMISSION

item. I should think that the American voyages where they formerly made 1000 miles cod-fishing voyages where they formerly made 1000 miles so; and it appears to me that working from St. John's they may have 1000 miles there. They have not up to the present been established a short time—but I imagine very little time will elapse before steamers to transship their fish at St. John's vessels to go 1,000 miles and return carrying their cargoes. I suppose that so, I understand, at other colonies where they do.

Q. In addition to the privilege of obtaining transshipment, what facilities are there for the preservation of the bait?—A. There are on different parts of the coast. They tell me they get it at \$4 or \$5 per ton. What time would it take for a British steamer to ground on the Banks, come into the port and commence operations again?—A. On the distance they were out fishing, I suppose, out she would certainly, with a fair wind, land coast within 24 hours, for they sail well. In nine cases out of ten more than one day to obtain bait, and the same time as was occupied coming back. The whole operation may be performed in less than a day. I have said nothing with regard to the extent of the fishery, but I think it is probable that the Newfound-land coast is a very large fishery, but is limited to the waters between Bonaville Island in Hermitage Bay. It is a very prolific fishery for a number of years, but it is now being fished with hook and line. I think about 1870 I visited that place for the purpose of examining it. They fished early in the season when halibut was in great demand in New York, and I know that at that time to within the last three years they have exhausted it now. They have come and I have myself seen six American vessels of the land fishing for halibut on the coast, or five years ago.

Q. Are there any American vessels which fish for halibut limit for codfish as well as for halibut?—A. They have fished at Grand Bank, in Fortune Bay. I have not seen them myself, but I have every reason to believe, that they do.

Q. You spoke of the French fishery yesterday. They use salt bait. They buy the bait from the people and salt it themselves on board. Is there this distinction between the French and the British?—A. The French buy their bait from the people and buy it in the manner you have

visit the Newfoundland coast. The Islands of
lon are their headquarters. The Newfoundland
ere fresh to sell it to them.

people of Newfoundland living in small settle-
ist and carrying on fishing in their immediate
e people dependent solely or almost solely upon
port?—A. They are.

ly a fishing people?—A. They are essentially a
they are settled on a narrow fringe of land on
ior is unsettled, and if there are any agricultural
re are excellent agricultural lands on some por-
have not yet been cleared and cultivated. The
the fisheries.

their fisheries, as at present situated, and you
ll?—A. Starvation, and nothing else but that

sation could recompense them for such a loss as
?—A. I am not prepared to say that no money
io. I imagine that an amount equal to the debt
ensate them. I don't estimate the value; but
are left without means of earning a living for
amilies can scarcely be compensated with any

ogg:

hooks on the bultow suspended from the main
fathom. With the French the length is nearly
e Americans between three and four feet.

Galt:

ottom?—A. The line and hooks both lie at the

m where the fish are feeding?—A. The fish are
ball bait, and they pick up the herring as they

ogg:

bait on the trawls?—A. Yes, and find it very

quid cut up?—A. Newfoundlanders use squid
and economize the bait. They put out a far
than the Newfoundland people, and economize

use for halibut?—A. Herring.

kindness to mark on the map the portion of New-
ch have some fishing rights in?—A. All right
the island, from Cape John to Cape Ray. The
ileges there with Americans and English.

d the right before the Washington Treaty went
ere?—A. From Ramea Islands to Cape Ray,
Quirpon, and thence on the Labrador coast as
to go without interfering with the rights of the

eve, fish for cod in boats, do they not, mainly?—
lled by different names; distinct descriptions of
iffs, &c.

Q. There was a time when the people of Newfoundland sailed to the Banks to fish in deep water?—A. Yes; it was to a certain extent, but not wholly relied on.

Q. There was a time when it was entirely conducted as a fishery? What is the greatest number of vessels, owned and sailing from Newfoundland, that went out to the Grand Banks at any time in an early time there were three or four hundred sail.

Q. That was how long ago?—A. About a hundred and twenty years ago.

Q. The population of Newfoundland then was not what it is now?—A. It was contrary to law to settle there until eighty years ago that permission was given to settle on the coast of the island.

Q. They were all until then squatters?—A. I do not call them that; that is not a term used in Newfoundland.

Q. You know what it means?—A. Yes.

Q. Was that their status down to eighty years ago positively as to the time, but until thereabouts I should say.

Q. The people planted there in defiance of the law of the large Bank fishery?—A. I did not say that. At that time the fleet came from the west coast of England; Poole and others.

Q. What was the population of Newfoundland?—A. 10,000 in the early history of the colony.

Q. At what time, in its early history, had Newfoundland the largest number of vessels engaged in the cod fishery?—A. I spoke then of the English people and the fishery.

Q. What was the time when the people of Newfoundland had the largest number of Bank fishing vessels, owned and sailing from the island?—A. I am not prepared to say. I think at that time.

Q. About how many vessels in all?—A. I think Newfoundland never had more than from 80 to 100 vessels.

Q. When did the Newfoundland Bankers begin to decline?—A. I am not prepared to say, but I suspect that they did so during the French and American war—about 1812. I have not looked after it carefully, but I think about that time.

Q. Was it a steady diminution, do you think?—A. A steady diminution after that.

Q. Down to the present time?—A. No; down to the time when it ceased.

Q. That would be about 1842?—A. Yes; about that time.

Q. What brought it down so that it ceased altogether?—A. Because the shore fishery was more profitable; less expensive and equally productive.

Q. Was not one cause want of capital?—A. I do not think so. It has never been a cause in Newfoundland. The merchant class has plenty of capital; so abundant is capital in Newfoundland that money is lying uninvested. There is no scarcity of capital in Newfoundland, and it is probably the only part of North America where capital is really plentiful.

Q. What is the rate of interest?—A. 3 and 3½ per cent.

Q. You say there is plenty of money lying unused?—A. There is an abundance of money.

Q. You don't think the want of capital ever could be the cause of the decline of the Newfoundland fleet?—A. I don't think so.

at do you attribute it, beyond the fact that they make more boat fishing?—A. I don't know of any other reason.

they ever tried again; have they renewed in any degree fishing?—A. They have in schooners of 50 or 60 tons within the last four years.

What class of persons have done that?—A. Three or four merchants, have tried the experiment.

Where at what place?—A. At St. John's. I believe one is at

St. John's all?—A. That is all, and they have done so encouraged by the legislature.

Is a bounty given by the legislature of Newfoundland?—A.

Is that bounty?—A. It is not a large one; I forget just now

the tonnage employed?—A. I think not. I think it was voted by the legislature to be divided among the bankers. I like to speak positively on that.

Do you think that has encouraged them to send out vessels?—A. It encouraged them to try the experiment.

How many vessels?—A. Six.

Do you see any return of the results?—A. I have not a return of it, but I have heard that one vessel arrived a few days ago with hundreds of fish.

Is that as a result?—A. Very poor as compared with American

do you account for that difference?—A. The crew was smaller, the vessel smaller, and that was only one trip; perhaps the rest of the season may be a much larger catch.

Is this an exception—the little experiment with half a dozen people who live entirely on the sea-coast and draw all their food from the sea, without that there is starvation, are employed in catching cod and bait?—A. And herring and salmon. I do not include herring among bait?—A. Yes; but they catch them for other purposes besides bait.

Do you state to the Commissioners what the business in frozen herring is?—A. The business in frozen herring is, I think, about 20,000 barrels a year.

What is the process?—A. The fishermen catch the herring and freeze them on the ice.

When?—A. In the months of January and February. They catch them on the ice.

When do they export them?—A. They sell them immediately. They catch them after American vessels have arrived to purchase. They sell them immediately?—A. Immediately to American ves-

American fishing-vessels take ice on board in which to preserve herring?—A. They freeze the herring hard, in which state it is perfectly solid, and are sold in New York markets as fresh herring when they cannot readily get other fish.

Is a pretty large business?—A. It is a very good paying business for the American fishermen.

Is it to your people?—A. I think it pays them, but only

they would not carry it on if it did not pay them?—A. They

ave no other employment, or not much other employment in winter months in some localities.

Q. Now, as between man and man, is it not a pretty good thing for our people that when they have got no other employment they may starve, to have this trade in frozen herring?—A. I think it is a good trade for them, but, as I said before, the fisherman only gets 5s. per barrel for his labor is not so handsomely paid as the American gets \$8 or \$10 per barrel for the same article; he not having any work on it except to carry it to market.

Q. To whom do you refer?—A. I refer to the American fisherman who has prospered by the Newfoundland fisherman who has not. The American gets 1s. per barrel for his services.

Q. Does he not receive the market value of his services?—A. He is not obliged to work for Americans if they do not choose to employ him. He has no contract nor is there any servitude.—A. No.

Q. They get the market value for their labor?—A. Precisely.

Q. When an American owner sends his ship out to Newfoundland to buy herring and takes it to New York, does he not come, but some outlay?—A. Certainly.

Q. A very large outlay?—A. Certainly.

Q. It may or may not be a profitable investment?—A. It has been a profitable investment to Gloucester fishermen and I may say, in this connection, that Newfoundland people have suffered a matter of very great hardship. After the Reciprocity Act was promulgated American fishermen cleared out their vessels on the coast of Newfoundland and bought those herrings, as permitted by the American custom authorities to enter those waters free of duty, as having been caught by themselves, the Newfoundland fishermen being thereby excluded from the American market for those fish, because there was a duty of \$1 per barrel, which the American fishermen avoided, but which Newfoundland fishermen could not avoid.

Q. There is such a thing as getting excited over a supposed injury to Newfoundland fishermen really sent frozen herring in tons to New York?—A. The fisherman had not, but so long as he was engaged in the trade had.

Q. Was it not an advantage to the Newfoundland people to have a good market in the United States for frozen herring?—A. It was an advantage to the whole people, but to the few people engaged it undoubtedly was an advantage.

Q. There were as many people engaged as the business could support?—A. Yes; and no more.

Q. If the business fell off in the United States and there was no demand for frozen herring, to some extent they would lose their business?—A. Yes; but it was a very small business.

Q. How many barrels did you say?—A. I said about 25,000 barrels. I think if you will refer to the statement I handed in yesterday for a number of years it did not exceed 15,000 barrels.

Q. When you spoke of a very small business I wanted to know your own figures.—A. I had not forgotten them; but it is a very small business relatively.

Q. Do you suppose your own merchants would have paid more than the American merchants did?—A. I think not.

Q. So it was not an intentional injury?—A. No.

Q. It was a matter of trade?—A. It was a matter of trade. There was very little competition and an ample supply.

Q. Is it not true also that not only American fishermen, but

tent American vessels, traders in frozen herring, come down to them to market to sell, and are entered and licensed as—A. I think it is probable. I am not aware that such is the

you know there is a class of American vessels coming to Newfoundland fill up with frozen herring and take them to the United States markets?—A. Yes; I believe such is the fact.

Is that a growing business?—A. No; it is not.

Is it a diminishing business?—A. I think it is.

How do you account for that?—A. Because one portion of those vessels was required for baiting the fishermen, and the other portion was required for the Boston and New York fresh-fish market. The cost of getting bait on the Newfoundland coast now no longer necessitates the carrying of bait from Newfoundland to Cape Ann to the United States as was done a few years ago. So I think it is a diminishing

Can you tell us that the Americans, irrespective of treaties, used to take their bait on the island?—A. I did not say for years back. They had before the Washington Treaty. They did so, for it was my observation in 1872. In 1871 I am aware they did it to some extent; I think for a year or two before that to a very limited

between 1866 and 1871?—A. I would not say that.

Is it not true that there is a herring supply at other places besides Newfoundland, say at the Magdalen Islands?—A. There is a large herring supply there in May; but I always understood that the herring went to spawn and only remained a short time, and after spawning struck back. For years I have understood that to be the fact.

Is it at Labrador?—A. There is no herring on the Labrador coast about this time of the year.

How long do they remain there?—A. Until November,

are they frozen there in November?—A. No; they salt all herring on the Labrador coast.

Are they taken as salt herring for bait?—A. They are taken as an article of commerce; I am not aware they are taken for bait.

Is the American market is not limited to Newfoundland for its supply of an article of commerce?—A. No; certainly not. I imagine the American fishermen catch a large quantity of herring on the Labrador coast and that may be one reason why there is so small a demand for Newfoundland herring in the American market, because they supply

Is it true that American fishermen catch herring on the Newfoundland coast?—A. I think so; I think they do.

Can they not afford to give the time?—A. They spend two or three months there every winter. Do you mean for commerce or for

to use for bait. The American bankers when on the Newfoundland coast get away as quickly as they can, do they not?—A. Yes.

Did you say that you thought, on an average, they would not be more than one day to get bait?—A. Yes.

Are they not, therefore, fishing for herring. I observed the manner in which the question was put by counsel—"any one who helped to

—A. I never saw Americans assisting the Newfoundland fishermen with haul nets; I said seines. I wish to distinguish between them.

Q. They come in and make a contract with him?—A. Precisely.

Q. They want it as quickly as possible?—A. Yes.

Q. The Newfoundland fisherman has got the seine across a little inlet and incloses a body of water?

Q. And he supplies the vessel as quickly as possible?—A. That would be the result. That is an illegal mode of fishing. Newfoundland men would not violate the law of American fishermen. Remember, it is illegal.

Q. It is also true that the person who permits this is also a little in fault?—A. I think so.

Q. Without going into the merits of it; tempt a Newfoundland fisherman to draw his seine across the inlet to catch a number of fish?—A. Not as a general rule. I only permit it to a very limited extent, because I cannot permit it to be done as it was yesterday it was a general thing. I said it was done in a way from any magistrate or customs authorities, but that they engaged a man—the owner of the vessel, with intelligence and knowledge of the localities, and enabled to secure the bait.

Q. According to your opinion a large part of the fish is beyond the reach of the magistrates?—A. Not a large part.

Q. And having a great part beyond the reach of the magistrates, the people who do yield to money, they do inclose the fish and sell to Americans?—A. They do to a certain extent.

Q. When Americans come and wish to fish for themselves, they engage a person who has a boat and seine?—A. I did not say he had his seine.

Q. And he goes to work; and it is his contract with the Americans?—A. Undoubtedly it is his contract.

Q. It is his business?—A. It is his business.

Q. And the American vessel helps him?—A. Without helping him, and the vessel gets the benefit in consequence; it is a joint affair in which both are concerned.

Q. The Newfoundland fisherman is the man who contracts with the Americans?—A. He does that.

Q. What is the cost of the seine?—A. It would vary according to its size.

Q. What is the cost of a seine such as he would use?—A. Different sizes are used. In some places, where the seine costing £20 would be sufficiently large, in other places a seine costing from £80 to £100 would be sufficient, and in some cases £400.

Q. That is the sum invested in the seine?—A. Yes.

Q. The people are so poor as to be on the verge of starvation?—A. You are now assuming I said that. I never said that.

Q. I understood you to say that they were in a state of starvation?—A. They lost their sea-fisheries there was nothing to be said if deprived of their fisheries; but I did not say they were suffering starvation. If deprived of their fisheries it would be the case with all of us, they would be in a state of starvation.

Q. If they had a single season in which the fisheries were successful what would be their condition; would they be able to keep them from the borders of starvation?—A. I think so. It is a hypothetical case; I never knew of such a case.

Q. If a man owns a seine and an American vessel comes and

bait as soon as possible, the man takes charge of the seine?—A.

He takes charge and furnishes the seine and some men?—A. It is so in some cases. In the case I spoke of yesterday, I said I knew any one but the seine-master. I believe some men may be employed in some cases.

When the crew of the vessel will take hold?—A. Yes.

And, having their help, he charges less for his herring?—A. Certainly they get the herring much cheaper by assisting to take them.

Is he paid by his contract?—A. I don't think he is paid any compensation at that season of the year for the services rendered—any adequate compensation.

Did not ask whether he was underpaid; he is paid, whether he is or not?—A. Yes; paid something.

You gave us some figures, yesterday, to which I wish to call your attention. You made a calculation about the profits of an American vessel?—A. I think not.

You made a calculation of the cost of outfit of two men and a vessel, you made that up by charging certain expenses for lines, nets, and so on, at \$5; then you took the annual cost of the investment in the vessel for one year, supposing it to last six years, at \$6.66; and proper for two men for a month, and multiplying that by 12 for number of months in the year, making \$187; then you supposed the making of seines, supposing each man to catch 80 quintals at \$32, and wages of the crew of the catch. Do you think that is the average wages?—A. Not thinking, it is a matter of common custom in the fisheries, that is the actual common custom, the usual way of paying

men. Is that wages at all?—A. Not wages, but as sharesmen.

Is that what would be the average share?—A. Precisely.

You suppose that each man catches 80 quintals, making 160 quintals; you put them at \$5 per quintal, making \$800. Is \$5 the usual price?—A. I think it is a fair average price.

Now, you deduct from the \$800 \$547, which leaves \$252.20, which is equal to 32½ per cent.; 32½ per cent. on what?—A. Upon \$800, the value of fish.

That is the percentage of profit upon the catch of the fish, after deducting all expenses, not on the capital?—A. I put in the whole cost of the fish and put in the whole quantity of fish.

You deduct the cost from the whole sales of the fish?—A. The cost of investment for getting that quantity of fish.

That leaves a net profit of 32½ per cent.?—A. It leaves a net profit of 32½ per cent.

Are you any change to make in that?—A. No.

Do you think they make 32½ per cent. per annum?—A. I think so. It supports the families of the fishermen throughout the

year. The fishermen have been taken off?—A. But there are the owners, the master-fishermen.

Is the owner?—A. The owners are fishermen themselves, the merchants. The merchants do not carry on the fishing business.

Is it to say it is nothing but net profit?—A. I put it as such. The calculation was complete within itself.

Do you suppose that the gross sales being \$800, the net profit, deducting the cost, should be deducted, is 32½ per cent.?—A. I think so.

Q. And you have deducted, among other things, the men in the boat?—A. Precisely.

Q. Then what becomes of the 32½ per cent., to the owner, the owner of the boats and the owner?—A. He is a fisherman of the better class, with credit, and has to support his family out of the 32½ per cent.

Q. Do you not consider that the 32½ per cent. is gross sales? You have the gross sale \$800, at the pay of the two men, only \$252.20, and leave the owner of the boat and nets?—A. You are saying the fish is \$547. The net profit is \$252.20 to support his family—not a very large amount for two men. It is a very fair profit.

Q. The question of supporting his family is out of the amount invested a very large return?—A. I think a usual return. I think this statement, so far as it is honestly made up, and includes every legitimate charge.

Q. Do you include with it the making of so many boats? That is the usual price paid for making fish.

Q. So that when you take the usual price for making boats, equivalent to allowing interest on outlay, such a charge is quite reasonable. What I meant certainly was, the price paid as a fair estimate of what was right.

Q. Do you suppose that these parties deal in equal terms?—A. Yes.

Q. Is that always the case with your fishermen and the merchants are concerned.

Q. You think on an equality for making contracts?—A. The men who are put down as equal terms, but the men who fit them out are not the merchants. There is a distinction between a servant and the other a master.

Q. The men who are servants are not on equal terms with the others?—A. No, they are poor men, and, therefore, not such good credit as the better class of men.

Q. There everything depends on credit; the business is not equal?—A. Yes; to a large extent.

Q. Next, you took a boat with four hands. You took a boat at 400 quintals, which, at \$5 per quintal, gives you a boat at 400 quintals, when the catch is 160 quintals?—A. Well, the boats I had in view were fishing localities on the southern shore for a mile or so from Saint Mary's, Capes Pine and Lawn, and I gave them a boat which would cost £70 or £80 and a crew of four men, costing £10, and thus afford them greater credit. I know that 400 quintals would be a fair catch for a crew of four men.

Q. That is 100 each?—A. Yes.

Q. Instead of 80 quintals?—A. Yes. You will obtain more credit as well as a vessel costing £100.

Q. You have allowed half the catch to the men because the men are only engaged during the four months in the year, and are only fed by the planters whereas the other men are fed during the bad fish years and the good ones, all the year round.

is that different mode followed—that the large boat should be employed during only a portion of the time, and the small boat all the time?—A. The large boat is engaged in baiting the French spring and in the herring catch in winter, to a certain extent, and some of them are laid up after the voyage is over, and the fishermen pursue the fishery according to the other practice at their homes.

Are the large boats employed at bait-fishing when they are not engaged?—A. In the spring, for a short time, two or three weeks, they go cod-fishing.

Is the herring caught by the man who owns the boat? Does he receive the labor?—A. They go shares, I think, then; they are shares-

men's boats having taken their herring they go to St. Pierre to market?—A. Yes.

St. Pierre is a free port, is it not?—A. It is nominally a free port, but not in fact so? Can anybody go there and buy without paying?—A. The duties, I think, are 2 per cent. on all goods brought in bottoms. It is free to American bottoms—it is free to French bottoms, but to all foreign vessels 2 per cent. duty is charged.

Are you sure that is so?—A. That is, not on bait, but on merchan-

dise. What is there to prevent that becoming a sort of depot for bait?—A. A depot for bait for the French.

Why should it not become so for Americans?—A. I saw a proclamation by the governor at St. Pierre, prohibiting the Americans from buying or getting bait there; it also forbade the English on pain of having their boats confiscated.

When did you see it?—A. Five or six years ago.

Is it in operation now?—A. I don't know.

As a point of fact, whatever the proclamation was five or six years ago, is it not true that the Americans do buy bait freely at St. Pierre?—A. I don't know that they do; I have never known them do it. I have been there for three years, and therefore cannot speak to it.

He told us that you considered this treaty, which allows Americans to fish without reference to distance from your shores, as disastrous to the prosperity of your island. I think you told us there were three men on the island who did not believe so?—A. That was my

impression. Would you name these three men?—A. I certainly would object to do so. I would rather withdraw the statement, because it would be unfair to them.

Would you rather not name the men?—A. Certainly not.

Is any injury likely to flow to them?—A. No; but it would be improper to introduce the name of any gentleman before the Commission. Have they made their opinions publicly known?—A. One of them has.

Is he a public man?—A. A public man.

Perhaps he would not like to have that known; and the other two, have they made their opinions known among their neighbors?—A. They have no objection to having their names mentioned here. I think it would be an unwarranted use of their names.

Did you say they were merchants?—A. I don't remember say-

ing so.

Do you have any objection to stating whether they are so?—A. One is a merchant, the other two are not merchants.

Q. Can you tell us how it arose that Newfoundland treaty when there were but three persons out of the population were not opposed to it?—A. I never said that at all.

Mr. Whiteway:

I think Judge Bennett stated that at the present time as the treaty disastrous except three persons, and went on to say, over, that one was a man who never changed his opinion on the subject.

WITNESS. I did. I do not remember being asked as to the time the Washington Treaty was accepted.

By Mr. Dana:

Q. There had been an election for the legislature between the treaty being adopted and the Newfoundland coming into force when it was first passed by the legislature of Newfoundland, was some addition or omission in the act which was proposed, which it was not adopted.

Q. You had an election in the mean time?—A. Yes. [Mr. Dana read from the evidence given by witness day as to the motives which led the Newfoundland legislature to pass the treaty, and continued his examination as follows:]

Q. Looking forward, they thought it would not act injuriously from reciprocity?—A. Yes.

Q. But only one of those three was a merchant. Were there any other merchants that thought so? You say you knew but three in favor of it—who believed it would act well—and one was a merchant?—A. If you will allow me to explain, perhaps it will be a little plainer. Before the act was passed by the legislature there was a strong feeling among the fishermen, and indeed against the Washington Treaty, and the commercial board met to discuss whether it would be wise for Newfoundland to accept it. After a full discussion they took a vote on the question, and a very large majority, agree that it should be accepted, and they sent a resolution in the shape of a petition to the government asking that it might be adopted. That was what I said, although I did not mention it, and that is why I spoke of it as being desirous of having the treaty.

Q. Then there was a large body of merchants who were not in favor of it?—A. At that time.

Q. That was before it was adopted?—A. Yes.

Q. How long ago was that?—A. Five years ago.

Q. Then five years ago there was a large majority of the population that thought it would not act injuriously; well, how do you reconcile that with your statement; have they changed their opinion since that time?—A. That if the matter were tested before them you could find many merchants in the island of Newfoundland that would not accept the Washington Treaty.

Q. You say the merchants "are located in St. John's."—A. Many means of communication with the external world are assumed that because the Americans did not visit the island under the Reciprocity Treaty, therefore they would not visit the island under the term of the Washington Treaty. Another reason was that it would give them a market for their cod-oil, and they expected that seal oil would be allowed in under the treaty. You say, "We are so ignorant in Newfoundland we

h and another as far as products went. We should be admitted in the United States as cod-oil."—exact words I made use of yesterday. I spoke of lions of oil—cod-oil and seal-oil—and when I spoke of the terms I meant that we did not discriminate between oil, and thought that both would be admitted.

. Yes, that is what I meant.

the legislature in 1871?—A. I was.

I, you?—A. I think I was speaker of the house.

letter from Governor Hill to the Earl of Kimberly. Also of the council of Newfoundland, Appendix, page follows:

GOVERNMENT HOUSE,
Newfoundland, 4th July, 1871.

I honor to inform your lordship that on the 1st instant I sent him as follows, viz: "In reference to terms of Washington that fish oil includes seal oil. Explanation will oblige this 3d instant received the following reply, viz: "I am of opinion not seal oil."

STEPHEN J. HILL.

to EARL OF KIMBERLY,
Esq., Esq., Esq.

was signed on the 1st of May. When was your treaty?—A. I think in 1873.

3 July, 1871, your governor writes to Earl Kimberly, that, in his opinion, fish-oil does not include seal-

of that correspondence?—A. I have known of it. If it at the time?—A. I think probably that when I was of the house I knew of it, but that would not be the case. Negotiations were going on between the Imperial Government at Washington for the admission of Edward Thornton, the British ambassador, had been hoped and believed that seal-oil would be admitted. Further, the premier of Newfoundland, in introducing that he had every reason to believe that seal-oil would be admitted free.

?—A. The Hon. Charles Fox Bennett. He was then speaking of.

anything from the home government?—A. I don't know if he produced any dispatch, or whether he made it as a statement.

any recall of the Earl of Kimberley's statement of the treaty made by the British Government in Newfoundland government officially, that fish-oil was not?—A. I am not aware of that, but I am aware that the government contended strongly with the United States that it should include seal-oil.

that they wished to have some arrangement by which it might be admitted duty free?—A. I don't know that it was one of the mere terms of the treaty that it was included in.

ing, as stated by the Earl of Kimberly, was that fish-oil, and whatever was said by persons in the legislature or in the house to vote for the measure, whether officially

or unofficially, I cannot tell about, but the h
itself upon record as understanding that the tr
oil. You have no evidence of its ever receding
to the interpretation of the treaty, have you?—
have any evidence of that fact except what I h

Q. Do you remember anything of an offer
before the adoption of the treaty, on the subj
free of duty, the Americans to participate in th
not remember. I think there never was any of
Newfoundland government, but I think a com
leading counsel to suggest some such matter as
heard that it might be possible to arrange it
Government of the United States would let in
Americans should be admitted to the privilege

Q. The seal fishing of Newfoundland only?
I think that was the proposition, but not an offi
at all. A learned counsel was at that time on
the commercial society suggested the propri
the American Government would be willing t
of that kind. I do not speak positively, but I t
thing of that kind.

Q. Here is a letter on page 21 of the same
to the Earl of Kimberley, dated 17th of July,
as follows:

N.

MY LORD: As the legislation contemplated in the Tre
in your lordship's opinion (received by telegram on the
sideration of seal-oil, under the head of fish-oil, as an a
duty from the ports of the British North American poss
ernment with the ports of the United States, I have tl
lordship herewith copy of a minute of council which
Majesty's Government to the seal-fishery in relation to
possible consequences which might ensue from the prose
as a right by citizens of the United States, and respectfu
conceding to America the right of taking seals in the ter
land and of making outfit in the ports thereof, on cond
Government admits the produce of the seals of this colo

2. Should your lordship consider the present mome
bring the points raised in the dispatch under the notice
the favorable consideration of the subjects in questio
United States would greatly facilitate the acceptance of
the colonial legislature when that important statement
the assembly in February next.

I have, &c.,

The right honorable the EARL OF KIMBERLEY,
&c., &c., &c.

Q. Well, do you not know that that was a n
do not remember ever seeing a minute of coun
memory. Of course it is so as it is there. I d
but it had escaped my memory.

Q. I believe the fact that the American Go
the treaty so as to exclude your seal-oil was st
in such phraseology (I read it just now; you
ignorant that you could not see the distincti
had set up) so as to leave the impression—you
it—that the American Government, after havin
construction upon it that nobody ought to t
having read you this statement, this telegran

and the letter of Mr. Hill, who was then governor, reciting Herley's opinion, and making the proposal that I have read of the admission of seal-oil into the American Union, have made the same statement that you made yesterday in language?—A. Well, of course, I do not for a moment mean that the American Government have put any wrong construction upon the treaty, or on that portion of the treaty; but what I do say is general in Newfoundland that a constrained construction has been put upon the treaty. I must say that honestly. The feeling in Newfoundland, notwithstanding the opinion of Herley and the action of the American Government—that a constrained construction was put upon that treaty.

by both parties?—A. By both parties—that the interests of Newfoundland were sacrificed because they were trifling.

all this occurred before you voted on it?—A. I was speaker; I voted on it.

do not mean you individually, but the people of Newfoundland. They had knowledge of this correspondence; they knew of the construction put upon the British Government and the American Government put upon the treaty, and they knew what terms had been proposed and what had been made in the matter. And, as you say, the treaty received a construction from both parties to it that you say was wrong and injurious to Newfoundland, and that their interests were sacrificed; yet, after all that, the legislature of Newfoundland accepted it all?—A. Yes; they did.

Can you any explanation? Haven't you a little overstated the case?—A. It is not more likely that you stated, of course with the intention of making everything as frankly and truly as any gentleman could—rather more likely that your views are a little extreme than such circumstances the legislature should have adopted the construction. I am still of the same opinion, notwithstanding these facts. Were not one of the three gentlemen referred to? You said there were three that believed it to be wrong.—A. I said that there were three that believed it to be right.

stated that another evil that came from the American party to your fisheries was that it had a demoralizing effect—the coming there for bait; that is, coming there to buy bait and helping to execute their own contract. One of the learned gentlemen suggested the word seduced, and I understand you to hold that many of your country were seduced and demoralized in this action and demoralization, namely, that the American fishermen were paid \$20 in cash to the natives to work for them, and that they were seduced and demoralized to such an extent that they actually took the bait and caught the herring.

(away objects.)

Consider that it was their duty to be catching the codfish for the merchants who employed them. Now, don't you think the natives of Newfoundland, although you have spoken of them as ignorant—I do not know how that is myself—don't you think they understand their own interests, so far at least as to know whether they had better fish for \$20 for the Americans or fish for the same amount at some other rate?—A. Well, my impression is that they were honestly engaged in working for the merchants who provided the bait, and that in fishing for the Americans they were doing no wrong for them, seeing that the merchants had already paid

AWARD OF THE FISHERY COMM

or their labor. I think if a man's servants are already paid them their wages beforehand did not understand you to say it was because they beforehand to do certain work that you for the Americans.—A. They receive their money in their fishing without that. They require money to use. Nine-tenths of them take that outfit instead of catching codfish, which is the only commodity a merchant can make available to pay himself, the Americans, I think they are demoralized.

Then the demoralization (and I should agree that it is) of their having received money for the bait—A. Not money.

Well, credit—that having got credit with the bait, they work it out, they throw it up.—A. During the winter for the Americans. If they work a day and earn £5 catching bait for him, they are earning nothing.

Well, as a general thing, do you think the merchants are suffering from breaches of contract of that sort?—A. Do you think they have some feeling about it?—A. Very strongly.

And they throw the blame upon the Americans?—A. Not on their own people?

DANA. As objection was taken to a question, I will read from the evidence taken yesterday. The following is the question put and answered in the official report:

Q. Do the Americans purchasing the bait from the seller pay for it, and so far as a matter of trade is an advantage to the fisherman?—A. Yes. It is an advantage to the fisherman to get upon a small community of one or two individuals to supply the bait?—A. My own impression is, that supplying Americans with bait is one of the most demoralizing things for our fishermen. It is a bad example for the lion. It is most injurious to the local fishery. The system of trade in Newfoundland is principally one of barter; and it is a very expensive one it is; and most of the fishermen are idle. They are ready enough to take \$20 from an American for supplying them with bait for the merchants who are supplying the bait. I think it is a demoralizing trade.

Q. Could the fisherman's time not be much more benefited if, instead of getting \$20 for supplying Americans with bait, he caught codfish with that bait?—A. Decidedly. To the effect that St. John's a man belonging to Bay Bulls, 18 miles from St. John's, the Hon. Ambrose Shea, and informed me that two vessels were in that bay and engaged a number of local fishermen, for which they obtained about 9d per 100, for equipment. One man went out and caught ten quintals, worth \$5 per quintal. I estimate what the value of bait-fishing is. This, I am convinced, is a demoralizing trade.

MR. S. That is misreported. I did not say that the fishermen in the harbor.

DANA. I have it here on my manuscript.

MR. S. I did not say so; or, if I did, I did not say so.

DANA. I suppose not; but when the report was put down in the same way, I do not think you should say it. It is not probable that a great number of men in the harbor got five quintals.

Q. Our own position is that of an employer?—A. No, in trade at all.

Q. Have you been?—A. I was for a number of

what time?—A. Up to 1873, since 1854.

not know but that you had invested capital in it?—A. No; trade.

were an employer for nineteen years?—A. Yes.

ou think the feeling of the employer class is that these men
e fishing for them than catching herring for the Americans
s as they do? You think there is a general and strong feel-
them?—A. I think so.

shermen there are indebted to the merchants, are they not?—
ey require a large outfit in the spring of the year in order to
fisheries.

whatever the cause is, they are largely indebted to the mer-
. I do not know that I could say that.

business not conducted on the credit system?—A. It is a
n for a limited time, but if the voyage is prosperous every
r the 31st of October, have paid his debt and be in credit.

not ask whether he paid or not. But does not that relation
d creditor exist between the fisherman and the merchant?—
t if he is successful he may wipe it out by October.

he is not successful he does not wipe it out. Well, is it not
t they are to a large extent indebted to the merchants, not only
y and October, but afterwards? Is it not the case that they
d are not always able to meet it, and that they are to a very
e extent in the power of those merchants to whom they are

I know your natural feeling may be———A. O, no; I
a feeling. You quite mistake. No doubt there is a consid-
unt of bad debts in Newfoundland, but that it materially
sherman in the power of the merchant I think is a mistake.

custom of the merchant ever to exert that power of collect-
s unless the voyage is sufficiently prosperous to enable him
they do not use the process of the law.

not ask whether they used the process of law; but does not
n feel that he is indebted?—A. It does not hurt his feelings

t hurt the feelings of the merchant?—A. I don't think.
y put on a margin of profit to cover the debts.

y get some pay in advance? Then the price they ask would
n the price a person would ask who was entirely independ-
ecurity?—A. It is so the world over.

s it not a great advantage to a fisherman in a small town
ould be two rival mercantile houses, so that if he thinks
es him too much for what he wants he can go to Mr. B?—
hink it makes much difference.

you think it is bad to have a monopoly of that sort?—A.
s, if the monopoly is too great it would be bad; but if the
is so great that one is inducing the other's employes to leave
urious.

is not necessary to suppose a case where both the rival
ve dishonestly, and the man too. I am supposing that all
stly. Each merchant must make all the profit he can, and
nt such inducements as are proper. The fisherman does not
at anybody, but only to pay a reasonable price, and no more
A. I do not see that it would be an advantage to the fish-
he reason that the prices are generally fixed for the whole
every merchant charges about the same price.

t if there are two houses in the same place, rivals, they

Q. They come in and make a contract with a boat-fisher?—A. Precisely.

Q. They want it as quickly as possible?—A. Yes.

Q. The Newfoundland fisherman has got the herring reeve seine across a little inlet and incloses a body of fish?—A.

Q. And he supplies the vessel as quickly as possible?—A. That would be the result. That is an illegal mode; it is contrary to the law. Newfoundland men would not violate the law if not encouraged by American fishermen. Remember, it is illegal.

Q. It is also true that the person who permits himself to be so is also a little in fault?—A. I think so.

Q. Without going into the merits of it; tempted or not tempted, a Newfoundlander does draw his seine across the inlet and incloses a number of fish?—A. Not as a general rule. I wish to correct you to a very limited extent, because I cannot permit it to be assumed that yesterday it was a general thing. I said it was done in a few places by a few men, without any sanction from any magistrate or customs authorities, and the fact is that they engaged a man—the owner of the seine—and his labour and intelligence and knowledge of the localities, and their labour was enabled to secure the bait.

Q. According to your opinion a large part of Newfoundland is beyond the reach of the magistrates?—A. Not all of it.

Q. And having a great part beyond the reach of magistrates, who do yield to money, they do inclose the fish and have them sold to Americans?—A. They do to a certain extent.

Q. When Americans come and wish to fish for bait, you speak of a person who has a boat and seine?—A. I did not speak of a boat and seine, but of his seine.

Q. And he goes to work; and it is his contract to furnish the bait?—A. Undoubtedly it is his contract.

Q. It is his business?—A. It is his business.

Q. And the American vessel helps him?—A. They could not help him without helping him, and the vessel gets the herring at a low price in consequence; it is a joint affair in which they are both concerned.

Q. The Newfoundlander is the man who contributes the bait?—A. He does that.

Q. What is the cost of the seine?—A. It would depend on its size.

Q. What is the cost of a seine such as he would use for that purpose?—A. Different sizes are used. In some places, where there is a small inlet, a seine costing £20 would be sufficiently large, and at other places a seine costing from £80 to £100 would be sufficiently large; and at some places £400.

Q. That is the sum invested in the seine?—A. Yes.

Q. The people are so poor as to be on the verge of starvation?—A. You are now assuming I said that. I never said so.

Q. I understood you to say that they were in that condition because they lost their sea-fisheries there was nothing left but starvation?—A. I said if deprived of their fisheries; but I did not say that they were suffering starvation. If deprived of their means of subsistence it would be the case with all of us, they would be starved.

Q. If they had a single season in which the fishing was successful what would be their condition; would they not be enabled to get help to keep them from the borders of starvation?—A. I think so. It is a hypothetical case; I never knew such a case.

Q. If a man owns a seine and an American comes along

as soon as possible, the man takes charge of the seine?—A.

ke charge and furnishes the seine and some men?—A. It
in some cases. In the case I spoke of yesterday, I said I
any one but the seine-master. I believe some men may be

some cases.
he crew of the vessel will take hold?—A. Yes.

aving their help, he charges less for his herring?—A. Cer-
get the herring much cheaper by assisting to take them.

aid by his contract?—A. I don't think he is paid any com-
that season of the year for the services rendered—any ade-
nsation.

not ask whether he was underpaid; he is paid, whether
or not?—A. Yes; paid something.

ve us some figures, yesterday, to which I wish to call your
You made a calculation about the profits of an American
?—A. I think not.

ade a calculation of the cost of outfit of two men and a
made that up by charging certain expenses for lines, nets,
t \$5; then you took the annual cost of the investment in
one year, supposing it to last six years, at \$6.66; and pro-
two men for a month, and multiplying that by 12 for number
the year, making \$187; then you supposed the making of
supposing each man to catch 80 quintals at \$32, and wages
of the catch. Do you think that is the average wages?—
thinking, it is a matter of common custom in the fisheries,
it is the actual common custom, the usual way of paying

ges at all?—A. Not wages, but as sharesmen.

at would be the average share?—A. Precisely.

ppose that each man catches 80 quintals, making 160 quin-
put them at \$5 per quintal, making \$800. Is \$5 the usual
think it is a fair average price.

on deduct from the \$800 \$547, which leaves \$252.20, which
al to 32½ per cent.; 32½ per cent. on what?—A. Upon \$800,

the percentage of profit upon the catch of the fish, after
expenses, not on the capital?—A. I put in the whole cost
the fish and put in the whole quantity of fish.

duct the cost from the whole sales of the fish?—A. The
ment for getting that quantity of fish.

aves a net profit of 32½ per cent.?—A. It leaves a net profit
ut.

ou any change to make in that?—A. No.

they make 32½ per cent. per annum?—A. I think
orts the families of the fishermen throughout the

men have been taken off?—A. But there are the
master-fishermen.

owner?—A. The owners are fishermen themselves,
1. The merchants do not carry on the fishing busi-

ay it is nothing but net profit?—A. I put it as such.
on was complete within itself.

hat the gross sales being \$800, the net profit, de-
should be deducted, is 32½ per cent.?—A. I think so.

Q. And you have deducted, among other thing two men in the boat?—A. Precisely.

Q. Then what becomes of the 32½ per cent., to To the owner, the owner of the boats and the o will be a fisherman of the better class, with credit who has to support his family out of the 32½ per c

Q. Do you not consider that the 32½ per cent. i the gross sales? You have the gross sale \$800, a ing the pay of the two men, only \$252.20, and lea for the owner of the boat and nets?—A. You are catching the fish is \$547. The net profit is \$252 was to support his family—not a very large amc of two men. It is a very fair profit.

Q. The question of supporting his family is ou on the amount invested a very large return?—A.] the usual return. I think this statement, so far s is honestly made up, and includes every legitimat voyage.

Q. Do you include with it the making of so ma A. That is the usual price paid for making fish.

Q. So that when you take the usual price for m be equivalent to allowing interest on outlay, such thought that reasonable. What I meant certainl usually paid as a fair estimate of what was right.

Q. Do you suppose that these parties deal in equal terms?—A. Yes.

Q. Is that always the case with your fisherme fishermen are concerned.

Q. You think on an equality for making contr The planters are. The men who are put down as on equal terms, but the men who fit them out are with the merchants. There is a distinction betw is a servant and the other a master.

Q. The men who are servants are not on equal their one-third share and are poor men, and, the not such good credit as the better class of men.

Q. There everything depends on credit; the bu credit?—A. Yes; to a large extent.

Q. Next, you took a boat with four hands. catch at 400 quintals, which, at \$5 per quintal, gi you put the catch at 400 quintals, when the catc at 160 quintals?—A. Well, the boats I had in vie best fishing localities on the southern shore for Cape Saint Mary's, Capes Pine and Lawn, and gave them a boat which would cost £70 or £80 boat costing £10, and thus afford them greater fish. I know that 400 quintals would be a fair with a crew of four men.

Q. That is 100 each?—A. Yes.

Q. Instead of 80 quintals?—A. Yes. You will punts as well as a vessel costing £100.

Q. You have allowed half the catch to the me Because the men are only engaged during the fo months in the year, and are only fed by the plan whereas the other men are fed during the bad fish the good ones, all the year round.

mode followed—that the large boat should only a portion of the time, and the small boat the large boat is engaged in baiting the French herring catch in winter, to a certain extent, and up after the voyage is over, and the fishery according to the other practice at their

employed at bait-fishing when they are not spring, for a short time, two or three weeks,

but by the man who owns the boat? Does he buy go shares, I think, then; they are shares-

taken their herring they go to St. Pierre to

port, is it not?—A. It is nominally a free port.

Can anybody go there and buy without paying, I think, are 2 per cent. on all goods brought free to American bottoms—it is free to French vessels 2 per cent. duty is charged.

so?—A. That is, not on bait, but on merchan-

vent that becoming a sort of depot for bait?—or the French.

become so for Americans?—A. I saw a proclamation at St. Pierre, prohibiting the Americans from going there; it also forbade the English on pain of being expelled.

?—A. Five or six years ago.

?—A. I don't know.

Whatever the proclamation was five or six years ago Americans do buy bait freely at St. Pierre?—do; I have never known them do it. I have years, and therefore cannot speak to it.

considered this treaty, which allows American vessels to distance from your shores, as disastrous to your island. I think you told us there were men who did not believe so?—A. That was my

the three men?—A. I certainly would object to withdraw the statement, because it would be

to name the men?—A. Certainly not.

to flow to them?—A. No; but it would be the name of any gentleman before the Commission. Their opinions publicly known?—A. One of them

—A. A public man.

to like to have that known; and the other two, one known among their neighbors?—A. They are having their names mentioned here. I think it would be the use of their names.

They were merchants?—A. I don't remember say-

ing to stating whether they are so?—A. One of the other two are not merchants.

a large item. I should think that the Americans make four voyages where they formerly made two. Q. Four cod-fishing voyages where they formerly would think so; and it appears to me that with steam running from St. John's they may have great advantage there. They have not up to the present time as only been established a short time—but as time goes on, people I imagine very little time will elapse before the steamers to transship their fish and are required for vessels to go 1,000 miles and return 1,000 miles of delivering their cargoes. I suppose that they have done so, I understand, at other colonies with their cargoes.

Q. Well, in addition to the privilege of obtaining also of transshipment, what facilities are there for the preservation of the bait?—A. There are ice-houses on different parts of the coast. They are getting ice. They tell me they get it at \$4 or \$5 per ton.

Q. Now, what time would it take for a Bank of cod-fishing ground on the Banks, come into the shore and go back and commence operations again?—A. It is somewhat on the distance they were out fishing. If they go 100 miles out she would certainly, with a favorable Newfoundland coast within 24 hours, for they are fast vessels and sail well. In nine cases out of ten it would take more than one day to obtain bait, and they would be about the same time as was occupied coming in. In three days the whole operation may be performed.

Q. You have said nothing with regard to the halibut. I should like to describe it, and to what extent it is prosecuted on the Newfoundland coast is a very limited area. It is limited to the waters between Brandy Bay and Pass Island in Hermitage Bay. It is considered that it was a very prolific fishery for a number of years ago. It was pursued it with hook and line. I think about 1850 the Americans visited that place for the purpose of fishing very thoroughly. They fished early in the season, in April, when halibut was in great demand in New York. They tried them there fresh in ice, and I know they have fished very from that time to within the last three years. They are about exhausted it now. They have completely exhausted it, and I have myself seen six American fishing vessels miles of the land fishing for halibut on one occasion, four or five years ago.

Q. Are there any American vessels which fish in the three-mile limit for codfish as well as for halibut?—A. They have fished at Grand Bank, in Fortune Bay, and Mary's Bay. I have not seen them myself. I have heard of them, and I have every reason to believe, they are at that locality.

Q. You spoke of the French fishery yesterday; what bait?—A. They use salt bait. They buy bait from the Newfoundland people and salt it themselves on board of their vessels. Then there is this distinction between the French and the Americans, that the French buy their bait from the people who catch it and buy it in the manner you have been

rench never visit the Newfoundland coast. The Islands of St. Pierre and Miquelon are their headquarters. The Newfoundlanders go there to get the bait there fresh to sell it to them.

Q—Do you refer to the people of Newfoundland living in small settlements along the coast and carrying on fishing in their immediate neighbourhood; are these people dependent solely or almost solely upon the fish for their support?—A. They are.

Q—Are they essentially a fishing people?—A. They are essentially a fishing population, and they are settled on a narrow fringe of land on the coast; the interior is unsettled, and if there are any agricultural lands I believe there are excellent agricultural lands on some portions of the island, they have not yet been cleared and cultivated. They depend solely on the fisheries.

Q—Do you deprive them of their fisheries, as at present situated, and you deprive them of their all?—A. Starvation, and nothing else but that.

Q—Could any compensation could recompense them for such a loss as the loss of their fisheries?—A. I am not prepared to say that no money could do so. I imagine that an amount equal to the debt they owe would compensate them. I don't estimate the value; but I imagine that men who are left without means of earning a living for themselves and their families can scarcely be compensated with any amount of money.

Q—Hon. Mr. Kellogg:

Q—How far are the hooks on the bultow suspended from the main line?—A. About half a fathom. With the French the length is nearly half a fathom and with the Americans between three and four feet.

Q—Hon. Alexander Galt:

Q—Where is the line at the bottom?—A. The line and hooks both lie at the bottom.

Q—Do the fish feed at the bottom where the fish are feeding?—A. The fish are feeding on crabs and small bait, and they pick up the herring as they come to the surface.

Q—Hon. Mr. Kellogg:

Q—Do you use squid bait on the trawls?—A. Yes, and find it very effective.

Q—Do you use one, or squid cut up?—A. Newfoundlanders use squid bait, but Americans economize the bait. They put out a far greater number of hooks than the Newfoundland people, and economize by cutting it up.

Q—What bait do they use for halibut?—A. Herring.

Q—Hon. Mr. Dana:

Q—Would it be the kindness to mark on the map the portion of Newfoundland which have some fishing rights in?—A. All right along the coast of the island, from Cape John to Cape Ray. The same privileges there with Americans and English.

Q—Did they have the right before the Washington Treaty went into effect?—A. From Ramea Islands to Cape Ray, and from Quirpon, and thence on the Labrador coast as far as they can go without interfering with the rights of the Indians.

Q—Do you believe, fish for cod in boats, do they not, mainly?—A. Yes, called by different names; distinct descriptions of boats, skiffs, &c.

Q. There was a time when the people of Newfoundland went to the Banks to fish in deep water?—A. Yes, to a certain extent, but not wholly relied on.

Q. There was a time when it was entirely concy? What is the greatest number of vessels, of Newfoundland, that went out to the Grand Bank in early time there were three or four hundred as

Q. That was how long ago?—A. About a hundred years ago.

Q. The population of Newfoundland then was not what it is now?—A. It was contrary to law to settle until eighty years ago that permission was given to settle on the coast of the island.

Q. They were all until then squatters?—A. I called them; that is not a term used in Newfoundland.

Q. You know what it means?—A. Yes.

Q. Was that their status down to eighty years ago positively as to the time, but until thereabouts I

Q. The people planted there in defiance of the Grand Bank fishery?—A. I did not say that. At first they came from the west coast of England; Portuguese.

Q. What was the population of Newfoundland 100,000 in the early history of the colony.

Q. At what time, in its early history, had Newfoundland a number of vessels engaged in the cod fishery?—A. But I spoke then of the English people in the fishery.

Q. What was the time when the people of Newfoundland had the largest number of Bank fishing vessels, owned by themselves?—A. I am not prepared to say. I think

Q. About how many vessels in all?—A. I think Newfoundland never had more than from 80 to 100 vessels.

Q. When did the Newfoundland Bankers begin to diminish?—A. I am not prepared to say, but I suspect that they began to diminish after the French and American war—about 1812. I have not looked into the matter carefully, but I think about that time.

Q. Was it a steady diminution, do you think?—A. A steady diminution after that.

Q. Down to the present time?—A. No; down to the time when it ceased.

Q. That would be about 1842?—A. Yes; about that time.

Q. What brought it down so that it ceased altogether?—A. Because the shore fishery was more profitable; less expensive and equally productive.

Q. Was not one cause want of capital?—A. I have never seen a cause in Newfoundland. The merchants have plenty of capital; so abundant is capital in Newfoundland that money are lying uninvested. There is no scarcity of money in Newfoundland, and it is probably the only part of the world where capital is really plentiful.

Q. What is the rate of interest?—A. 3 and 3½ per cent.

Q. You say there is plenty of money lying uninvested here is abundance of money.

Q. You don't think the want of capital ever existed in Newfoundland fleet?—A. I don't think so.

tribute it, beyond the fact that they make more
 .A. I don't know of any other reason.
 d again; have they renewed in any degree fish-
 ave in schooners of 50 or 60 tons within the

ns have done that?—A. Three or four mer-
 uk, have tried the experiment.

nts at what place?—A. At St. John's. I believe one is at

s all?—A. That is all, and they have done so encouraged
 n by the legislature.

s a bounty given by the legislature of Newfoundland?—A.

s that bounty?—A. It is not a large one; I forget just now

the tonnage employed?—A. I think not. I think it was
 voted by the legislature to be divided among the bankers.
 like to speak positively on that.

ink that has encouraged them to send out vessels?—A. It
 red them to try the experiment.

any vessels?—A. Six.

you any return of the results?—A. I have not a return of
 ut I have heard that one vessel arrived a few days ago with
 intals of fish.

that as a result?—A. Very poor as compared with American

o you account for that difference?—A. The crew was smaller
 it smaller, and that was only one trip; perhaps the rest of
 may be a much larger catch.

n this exception—the little experiment with half a dozen
 r people who live entirely on the sea-coast and draw all
 from the sea, without that there is starvation, are employed
 ng, catching cod and bait?—A. And herring and salmon.
 to include herring among bait?—A. Yes; but they catch
 other purposes besides bait.

ou state to the Commissioners what the business in frozen
 —A. The business in frozen herring is, I think, about 20,000
 rrels a year.

is the process?—A. The fishermen catch the herring and
 ze them on the ice.

—A. In the months of January and February. They
 d on the ice.

o they export them?—A. They sell them immediately.
 hem after American vessels have arrived to purchase.
 hem immediately?—A. Immediately to American ves-

in fishing-vessels take ice on board in which to pre-
 ;?—A. They freeze the herring hard, in which state
 tly solid, and are sold in New York markets as fresh
 hen they cannot readily get other fish.

pretty large business?—A. It is a very good paying
 American fishermen.

to your people?—A. I think it pays them, but only

ould not carry it on if it did not pay them?—A. They

have no other employment, or not much other employment in some localities.

Q. Now, as between man and man, is it not among your people that when they have got no other employment they may starve, to have this trade in which they think it is a good trade for them, but, as I said, only gets 5s. per barrel for his labor is not so high as the American gets \$8 or \$10 per barrel for the same article; he has to work on it except to carry it to market.

Q. To whom do you refer?—A. I refer to the American fisherman who has prospered by the Newfoundland fisherman who gets 5s. per barrel for his services.

Q. Does he not receive the market value of his labor?—A. He is not obliged to work for Americans if they do not have no contract nor is there any servitude.—A.

Q. They get the market value for their labor?—A.

Q. When an American owner sends his ship out in winter and buys this frozen herring and takes it home for his income, but some outlay?—A. Certainly.

Q. A very large outlay?—A. Certainly.

Q. It may or may not be a profitable investment. In fact it has been a profitable investment to the Americans. And I may say, in this connection, that Newfoundland has been a matter of very great hardship. After the war was abrogated American fishermen cleared out their boats, came to Newfoundland and bought those boats which were permitted by the American custom authorities to enter the country of duty, as having been caught by themselves, the American fishermen being thereby excluded from the American market for those fish, because there was a duty of \$1 per barrel which the American fishermen avoided, but which Newfoundland fishermen had to pay.

Q. There is such a thing as getting excited over this. Had Newfoundland fishermen really sent frozen herring to New York?—A. The fisherman had no other market engaged in the trade had.

Q. Was it not an advantage to the Newfoundland fishermen that there was a good market in the United States for frozen herring?—A. The whole people, but to the few people engaged in the trade an advantage.

Q. There were as many people engaged as the Americans?—A. Yes; and no more.

Q. If the business fell off in the United States for the demand for frozen herring, to some extent they would be affected?—A. Yes; but it was a very small business.

Q. How many barrels did you say?—A. I said that I think if you will refer to the statement I handed you for a number of years it did not exceed 15,000 barrels.

Q. When you spoke of a very small business I thought of your own figures.—A. I had not forgotten them comparatively.

Q. Do you suppose your own merchants would be more than the American merchants did?—A. I think so.

Q. So it was not an intentional injury?—A. No.

Q. It was a matter of trade?—A. It was a matter of trade. There was very little competition and an ample supply.

Q. Is it not true also that not only American fish

vessels, traders in frozen herring, come down to sell, and are entered and licensed as probable. I am not aware that such is the

case of American vessels coming to Newfoundland herring and take them to the United States. I believe such is the fact.

business?—A. No; it is not.

business?—A. I think it is.

or that?—A. Because one portion of those visiting the fishermen, and the other portion in New York fresh-fish market. There is no longer necessity from Newfoundland to Cape Ann to the New York market. So I think it is a diminishing

of Americans, irrespective of treaties, used to visit the island?—A. I did not say for years back. The Washington Treaty. They did so, for it was in 1872. In 1871 I am aware they did it to a year or two before that to a very limited

number?—A. I would not say that.

is a herring supply at other places besides the Lofoten Islands?—A. There is a large herring fishery always understood that the herring went to the United States a short time, and after spawning struck back to the United States understood that to be the fact.

—A. There is no herring on the Labrador coast the year.

do they remain there?—A. Until November,

in November?—A. No; they salt all herring

herring for bait?—A. They are taken as an article of commerce aware they are taken for bait.

market is not limited to Newfoundland for its supply?—A. No; certainly not. I imagine there is a large quantity of herring on the Labrador coast. The reason why there is so small a demand in the American market, because they supply

the fishermen catch herring on the Newfoundland coast. I think they do.

to give the time?—A. They spend two or three months. Do you mean for commerce or for

American bankers when on the Newfoundland coast as they can, do they not?—A. Yes.

ought, on an average, they would not be dependent on bait?—A. Yes.

, fishing for herring. I observed the manifest put by counsel—"any one who helped to assist Americans assisting the Newfoundland fishermen. I wish to distinguish between them.

. They come in and make a contract with
?—A. Precisely.

. They want it as quickly as possible ?—A. .

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ine across a little inlet and incloses a body o

. And he supplies the vessel as quickly as po
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—A. I don't think he is paid any compensation for the services rendered—any ade-

quately was underpaid; he is paid, whether he does or does not do something.

yesterday, to which I wish to call your attention about the profits of an American

fisherman. If the cost of outfit of two men and a vessel, including certain expenses for lines, nets, and other things, is \$100, and the annual cost of the investment in the vessel, if it is to last six years, at \$6.66; and proportioning that by 12 for number of quintals, 187; then you supposed the making of a vessel to catch 80 quintals at \$32, and wages you think that is the average wages?—A. That is the average wages, but as sharesmen, not the custom in the fisheries, but the usual way of paying

wages, but as sharesmen.

average share?—A. Precisely.

catches 80 quintals, making 160 quintals, making \$800. Is \$5 the usual average price.

\$800 \$547, which leaves \$252.20, which is 2½ per cent. on what?—A. Upon \$800,

profit upon the catch of the fish, after deducting the capital?—A. I put in the whole cost of the whole quantity of fish.

the whole sales of the fish?—A. The whole quantity of fish.

2½ per cent.?—A. It leaves a net profit

of 2½ per cent. in that?—A. No.

2½ per cent. per annum?—A. I think so. It lies of the fishermen throughout the

year taken off?—A. But there are the expenses.

The owners are fishermen themselves, and the hands do not carry on the fishing busi-

ness but net profit?—A. I put it as such. It is within itself.

the sales being \$800, the net profit, deducted, is 32½ per cent.?—A. I think so.

Q. And you have deducted, among other things, two men in the boat?—A. Precisely.

Q. Then what becomes of the 32½ per cent., to the owner, the owner of the boats and the crew?—A. It will be a fisherman of the better class, with credit, who has to support his family out of the 32½ per cent.

Q. Do you not consider that the 32½ per cent. is a very large profit on the gross sales? You have the gross sale \$800, and after paying the pay of the two men, only \$252.20, and leaving for the owner of the boat and nets?—A. You are catching the fish is \$547. The net profit is \$252.20, which was to support his family—not a very large amount for two men. It is a very fair profit.

Q. The question of supporting his family is not on the amount invested a very large return?—A. It is not the usual return. I think this statement, so far as it goes, is honestly made up, and includes every legitimate expense.

Q. Do you include with it the making of so many boats?—A. That is the usual price paid for making fish.

Q. So that when you take the usual price for making a boat, it is equivalent to allowing interest on outlay, such as you thought that reasonable. What I meant certain was usually paid as a fair estimate of what was right.

Q. Do you suppose that these parties deal on equal terms?—A. Yes.

Q. Is that always the case with your fishermen?—A. Fishermen are concerned.

Q. You think on an equality for making contracts?—A. The planters are. The men who are put down are on equal terms, but the men who fit them out are on terms with the merchants. There is a distinction between a servant and the other a master.

Q. The men who are servants are not on equal terms with the others?—A. Their one-third share and are poor men, and, therefore, they do not have such good credit as the better class of men.

Q. There everything depends on credit; the better the credit?—A. Yes; to a large extent.

Q. Next, you took a boat with four hands, and caught at 400 quintals, which, at \$5 per quintal, gave you put the catch at 400 quintals, when the catch was at 160 quintals?—A. Well, the boats I had in view were the best fishing localities on the southern shore for Cape Saint Mary's, Capes Pine and Lawn, and gave them a boat which would cost £70 or £80 and a boat costing £10, and thus afford them greater fish. I know that 400 quintals would be a fair catch with a crew of four men.

Q. That is 100 each?—A. Yes.

Q. Instead of 80 quintals?—A. Yes. You will get more pawns as well as a vessel costing £100.

Q. You have allowed half the catch to the men?—A. Because the men are only engaged during the five months in the year, and are only fed by the planter during the bad fish, whereas the other men are fed during the bad fish and the good ones, all the year round.

de followed—that the large boat should
a portion of the time, and the small boat
arge boat is engaged in baiting the French
ring catch in winter, to a certain extent,
p after the voyage is over, and the fisher-
according to the other practice at their

mployed at bait-fishing when they are not
ug, for a short time, two or three weeks,

y the man who owns the boat? Does he
go shares, I think, then; they are shares-

ken their herring they go to St. Pierre to

is it not?—A. It is nominally a free port.
n anybody go there and buy without pay-
think, are 2 per cent. on all goods brought
to American bottoms—it is free to French
sels 2 per cent. duty is charged.

—A. That is, not on bait, but on merchan-

t that becoming a sort of depot for bait?—
ie French.

ne so for Americans?—A. I saw a procla-
r at St. Pierre, prohibiting the Americans
ere; it also forbade the English on pain
ted.

A. Five or six years ago.

—A. I don't know.

ver the proclamation was five or six years
mericans do buy bait freely at St. Pierre?—
; I have never known them do it. I have
ra, and therefore cannot speak to it.

nsidered this treaty, which allows Ameri-
to distance from your shores, as disastrous
ur island. I think you told us there were
who did not believe so?—A. That was my

ree men?—A. I certainly would object to
draw the statement, because it would be

ime the men?—A. Certainly not.

flow to them?—A. No; but it would be
of any gentleman before the Commission.
inions publicly known?—A. One of them

. A public man.

e to have that known; and the other two,
known among their neighbors?—A. They
ring their names mentioned here. I think
se of their names.

re merchants?—A. I don't remember say-

to stating whether they are so?—A. One
her two are not merchants.

Q. Can you tell us how it arose that Newfoundland when there were but three persons out there not opposed to it?—A. I never said that a

Mr. Whiteway:

I think Judge Bennett stated that at the present treaty disastrous except three persons, and one, that one was a man who never changed his

WITNESS. I did. I do not remember being at the time the Washington Treaty was accepted.

By Mr. Dana:

Q. There had been an election for the legislature before the treaty being adopted and the Newfoundlanders when it was first passed by the legislature of Newfoundland some addition or omission in the act which was not adopted.

Q. You had an election in the mean time?—A. Mr. Dana read from the evidence given by witnesses as to the motives which led the Newfoundlanders to the treaty, and continued his examination as follows:

Q. Looking forward, they thought it would not be from reciprocity?—A. Yes.

Q. But only one of those three was a merchant?—A. Yes. You say you knew but one in favor of it—who believed it would act well—merchants?—A. If you will allow me to explain, a little plainer. Before the act was passed there was a strong feeling among the fishermen, and in opposition to the Washington Treaty, and the committee to discuss whether it would be wise for Newfoundland to enter a full discussion they took a vote on the question, a very large majority, agree that it should be accepted, and they sent a resolution in the shape of a petition asking that it might be adopted. That was although I did not mention it, and that is why I was very desirous of having the treaty.

Q. Then there was a large body of merchants who thought it would be injurious?—A. At that time.

Q. That was before it was adopted?—A. Yes.

Q. How long ago was that?—A. Five years ago.

Q. Then five years ago there was a large majority who thought it would not act injuriously; well, how does that tally with your statement; have they changed their minds?—A. If the matter were tested before them you would find that the merchants in the island of Newfoundland thought that the Washington Treaty would be injurious.

Q. You say the merchants "are located in Newfoundland and by means of communication with the exterior are informed that because the Americans did not visit Newfoundland under the reciprocity Treaty, therefore they would not visit Newfoundland under the Washington Treaty. Another reason would give them a market for their cod-oil, and seal oil would be allowed in under the Washington Treaty. I say, "We are so ignorant in Newfoundland

her as far as products went. We as-
 tuted in the United States as cod-oil."—
 I made use of yesterday. I spoke of
 cod-oil and seal-oil—and when I spoke
 I meant that we did not discriminate
 I thought that both would be admitted

as what I meant.

in 1871?—A. I was.

I think I was speaker of the house.

Governor Hill to the Earl of Kimberly.
 Council of Newfoundland, Appendix, page

GOVERNMENT HOUSE,
Newfoundland, 4th July, 1871.

My lordship that on the 1st instant I sent
 viz: "In reference to terms of Washington
 includes seal oil. Explanation will oblige this
 I received the following reply, viz: "I am of opinion

STEPHEN J. HILL.

BARRELY,
&c., &c., &c.

on the 1st of May. When was your
 think in 1873.

Your governor writes to Earl Kimberly,
 opinion, fish oil does not include seal-

correspondence?—A. I have known of it.
 me?—A. I think probably that when
 use I knew of it, but that would not
 were going on between the Imperial
 at Washington for the admission of
 Horatou, the British ambassador, had
 believed that seal-oil would be admit-
 Premier of Newfoundland, in introduc-
 ed every reason to believe that seal-oil

don. Charles Fox Bennett. He was
 of.

in the home government?—A. I don't
 my dispatch, or whether he made it as

'the Earl of Kimberley's statement of
 made by the British Government in
 and government officially, that fish-oil
 am not aware of that, but I am aware
 ended strongly with the United States
 seal-oil.

shed to have some arrangement by
 duty free?—A. I don't know that it
 of the treaty that it was included in

d by the Earl of Kimberly, was that
 atever was said by persons in the leg-
 ate for the measure, whether officially

or unofficially, I cannot tell about, but th itself upon record as understanding that the oil. You have no evidence of its ever rec to the interpretation of the treaty, have you have any evidence of that fact except what

Q. Do you remember anything of an off before the adoption of the treaty, on the s free of duty, the Americans to participate it not remember. I think there never was an Newfoundland government, but I think a c leading counsel to suggest some such matte heard that it might be possible to arrange Government of the United States would le Americans should be admitted to the privil

Q. The seal fishing of Newfoundland or I think that was the proposition, but not an at all. A learned counsel was at that time the commercial society suggested the pro the American Government would be willin of that kind. I do not speak positively, bu thing of that kind.

Q. Here is a letter on page 21 of the sar to the Earl of Kimberley, dated 17th of Ju as follows :

MY LORD: As the legislation contemplated in the in your lordship's opinion (received by telegram on sideration of seal-oil, under the head of fish-oil, as a duty from the ports of the British North American) ernment with the ports of the United States, I ha lordship herewith copy of a minute of council wh Majesty's Government to the seal-fishery in relation possible consequences which might ensue from the p as a right by citizens of the United States, and respo conceding to America the right of taking seals in th land and of making outfit in the ports thereof, on c Government admits the produce of the seals of this

2. Should your lordship consider the present me bring the points raised in the dispatch under the ne the favorable consideration of the subjects in qui United States would greatly facilitate the acceptance the colonial legislature when that important statem the assembly in February next.

I have, &c.,

The right honorable the EARL OF KIMBERLY,
 &c., &c., &c.

Q. Well, do you not know that that was do not remember ever seeing a minute of c memory. Of course it is so as it is there. but it had escaped my memory.

Q. I believe the fact that the American the treaty so as to exclude your seal-oil wa in such phraseology (I read it just now; y ignorant that you could not see the disti had set up) so as to leave the impression—y it—that the American Government, after b construction upon it that nobody ought t having read you this statement, this teleg

Hill, who was then governor, reciting making the proposal that I have read of seal-oil into the American Union, statement that you made yesterday in course, I do not for a moment mean argument have put any wrong construction of the treaty; but what I do say Newfoundland that a constrained consequence treaty. I must say that honestly. land, notwithstanding the opinion of of the American Government—that a upon that treaty.

th parties—that the interests of New- they were trifling.

you voted on it?—A. I was speaker;

ally, but the people of Newfoundland. pondence; they knew of the construction the American Government put upon terms had been proposed and what in the matter. And, as you say, the on from both parties to it that you us to Newfoundland, and that their er all that, the legislature of New-as; they did.

! Haven't you a little overstated the you stated, of course with the intention and truly as any gentleman could—that your views are a little extreme than the legislature should have adopted the opinion, notwithstanding these facts. the gentlemen referred to? You said ved it to be wrong.—A. I said that o be right.

vil that came from the American part at it had a demoralizing effect—the that is, coming there to buy bait and r own contract. One of the learned ed, and I understand you to hold that were seduced and demoralized in this ion, namely, that the American fisher-ives to work for them, and that they such an extent that they actually took

ir duty to be catching the codfish for no employed them. Now, don't you idland, although you have spoken of how that is myself—don't you think n interests, so far at least as to know 20 for the Americans or fish for the —A. Well, my impression is that they king for the merchants who provided ng for the Americans they were dis-; that the merchants had already paid

am for their labor. I think if a man's servants has already paid them their wages beforehand

Q. I did not understand you to say it was because money beforehand to do certain work that you bring for the Americans.—A. They receive their pay on their fishing without that. They require what they use. Nine-tenths of them take that out instead of catching codfish, which is the only thing a merchant can make available to pay himself, the Americans, I think they are demoralized.

Q. Then the demoralization (and I should agree to the fact of their having received money for the bait) then— —A. Not money.

Q. Well, credit—that having got credit with the Americans they will work it out, they throw it up.—A. During the time they are working for the Americans. If they work and catch and earn £5 catching bait for him, they are employed by the merchant.

Q. Well, as a general thing, do you think the demoralization is largely from breaches of contract of that sort?—

Q. Do you think they have some feeling about it very strongly.

Q. And they throw the blame upon the Americans?

Q. Not on their own people?

Mr. DANA. As objection was taken to a question of fact, I will read from the evidence taken yesterday. The following is the question put and answered in the official report:

Q. The Americans purchasing the bait from the seller pocket, and so far as a matter of trade is an advantage to the effect upon a small community of one or two individuals with bait?—A. My own impression is, that supplying bait is one of the most demoralizing things for our fishermen. It is like the jackals for the lion. It is most injurious to the local fishery. The system of trade in Newfoundland is principally a bait trade, and as expensive one it is; and most of the fishermen are employed in catching bait for the Americans. If they are ready enough to take \$20 from an American for supplying him with bait for catching cod for the merchants who are supplying them, they therefore think it is a demoralizing trade.

Q. Would the fisherman's time not be much more beneficially employed if, instead of getting \$20 for supplying Americans with bait, he were to catch codfish with that bait?—A. Decidedly. I left St. John's a man belonging to Bay Bulls, 18 miles from the Hon. Ambrose Shea, and informed me that two fishing vessels were in that bay and engaged a number of local fishermen, for which they obtained about 9d per 100, for each fisherman went out and caught ten quintals, worth \$50. I estimate what the value of bait-fishing is. This, I am

WITNESS. That is misreported. I did not say that there were no fishermen in the harbor.

Mr. DANA. I have it here on my manuscript.

WITNESS. I did not say so; or, if I did, I did not say so.

Mr. DANA. I suppose not; but when the report is taken it down in the same way, I do not think it is probable that a great number of fishermen in the harbor got five quintals.

Q. Your own position is that of an employer in the bait trade at all.

Q. Have you been?—A. I was for a number of

to 1873, since 1854.
 ou had invested capital in it?—A. No;

nineteen years?—A. Yes.
 of the employer class is that these men
 an catching herring for the Americans
 hink there is a general and strong feel-
 3.

ebted to the merchants, are they not?—
 :fit in the spring of the year in order to

s, they are largely indebted to the mer-
 I could say that.

ted on the credit system?—A. It is a
 but if the voyage is prosperous every
 , have paid his debt and be in credit.
 aid or not. But does not that relation
 een the fisherman and the merchant?—
 ie may wipe it out by October.

he does not wipe it out. Well, is it not
 tent indebted to the merchants, not only
 terwards? Is it not the case that they
 e to meet it, and that they are to a very

of those merchants to whom they are
 al feeling may be—— —A. O, no; I
 : mistake. No doubt there is a consid-

Newfoundland, but that it materially
 r of the merchant I think is a mistake.
 ant ever to exert that power of collect-
 is sufficiently prosperous to enable him
 rocess of the law.

used the process of law; but does not
 bted?—A. It does not hurt his feelings

of the merchant?—A. I don't think.
 ' profit to cover the debts.

vance? Then the price they ask would
 would ask who was entirely independ-
) the world over.

ntage to a fisherman in a small town
 mercantile houses, so that if he thinks
 : what he wants he can go to Mr. B?—
 difference.

to have a monopoly of that sort?—A.
 : too great it would be bad; but if the
 s inducing the other's employés to leave

suppose a case where both the rival
 the man too. I am supposing that all
 it must make all the profit he can, and
 as are proper. The fisherman does not
 to pay a reasonable price, and no more
 ; it would be an advantage to the fish-
 rices are generally fixed for the whole
 ges about the same price.

houses in the same place, rivals, they

AWARD OF THE FISHERY

ld charge the same price?—A. They would not. Their only competition would be in the market.

Do you think that that principle or principle elsewhere, of trying to undersell, do
 1—A. Not to any great extent. Neither produce. For they all meet and decide the price.

Then the merchants, as a body, act up. They decide what prices will be given.

. They determine what it shall be!—A.

They expect all the merchants to come
rally do.

Then the fishermen are in the power of agree beforehand as to the prices?—

I think the merchants are as fair and honest

But taking the merchants generally,

...in Newfoundland?—A. Well, I mean as you have stated.

. Haven't you known cases where there
fisherman, although he did not mean to
et his supplies as cheaply as he could
one had to withdraw?—A. Yes, but it
was left would not have sufficient capit
to supply all the people and have all t
er time. I think it would arise from

III
 . You are quite sure it could not be that
 . there had been an advantage to him in
 they may think so.

. But if so they would be in error ?—A.
It has no effect whatever.

Q. What do you think is the difference
it? Suppose a man goes in April with \$
earning and pays it in cash for what h
e between the price he pays and the pri
asks for credit?—A. That would deper
ie country were the person lives. If h
oubt there would be a difference of pi
e in the outside districts I doubt if ther
ver knew any difference between cash a

. I mean to include that, cash or fish. I
is a payment and leaves no debt behind
between a payment, either in cash or gold
ink there is a difference, but I assume
try a difference of ten per cent. would I

. Would that be the average?—A. Yes

What is it generally in Saint John's?
The difference made in Saint John's. The
pers in Saint John's.

Why, is it possible! What is it (the k)?—A. It is rather hard to make up of the country.

You did not find any difficulty in making a small island; why can you not make up an example which would think fifteen per cent.

ld not think.

nd it 20 or 25 per cent.?—A. It might
ould be very much surprised to find it
trade.

he must buy in the autumn for the
ween credit and cash or its equivalent
g as there is no credit given ?—A. I
in the autumn are paid for.

etween the price charged for these
h which are not paid for ?—A. I was
fourths are paid for, and probably 25
lition for the other one-fourth.

ed before that there could not possibly
u was referring to the question first
referring to the spring outfit.

for half the year and 25 per cent. for
ent. for the year ?—A. With this dif-
quire credit for the outfit in the spring,
as were able to pay in the autumn.

tain credit, there is still an average of
not make an average of 20 per cent.

e for the whole island then ?—A. For
the difference in the outside districts
tle. In St. John's there is a greater
of that may be that there are many
a the supplying business to the coun-

are able to give instantly without a
or the whole island and yet not able to
give one for St. John's surely. I said
once in the spring and 25 per cent. in

f twenty per cent., would it not ?—A.
e spring a good many would require
w.

require credit both times it would give
ust have the same number of men to
ve the same number of men and the

there should be the same amount of
mount sold in the autumn is less than
unt and the number of people requir-

he Americans used to throw overboard
e not over—what size did you say ?—

arket for this cod in Newfoundland ?—

—A. I think so, to a very considera-

uefit of the Americans ?—A. I should
largely by it.

hat, but can you not admit that the
a little too ?—A. The Newfoundland
it, if he sells at a profit.

- J. Well, the American won't benefit
 H, he will, because otherwise he won't.
- J. The Newfoundland merchant is not
 a profit?—A. Well, it is problematic.
- J. Well, if for the sake of selling the
 merchant the American saves it and he
 e that is taken up and some expense.
 he included if you were making up an
 it so as to leave him a margin, and then
 much a way as to leave him a profit.
- H sides, is it not?—A. It is on the side
 may get a price that will pay him and
 tter of calculation with the American
 throw the fish away absolutely.
- J. But I have shown that there are ex-
 penses additional. I assumed yesterday
 not to pay those expenses.
- J. That is, the merchant buys the oil,
 title, but the larger proportion is taken.
- J. Do you think there is any difference
 and, and the desire of each party to ac-
 cede to govern Newfoundland, and those
 interests of the world?—A. I think, in this
 capital were not removed, the Americans
 Newfoundland market; and if they could re-
 move that they have no market in the
 obliged to cast the fish overboard.
- J. Well, then, in your account, you in-
 \$90,000, don't you, on the whole Ameri-
 can side, the amount was. \$90,000 would
 it to \$120,000.
- J. You assume that \$90,000 worth was
 all, put it at \$100,000. Then you
 you consider that the American gains
 e cases out of ten the American gains
 it he could not otherwise have.
- J. But does not this rule which all the
 , that the consumer pays the duty, ap-
 pply because the Newfoundland people do not
 assumption. They sell it.
- J. But we do not call the consumer the
 all the man that eats it the consumer.
- J. Suppose it is not fish. Suppose it
 it wears a coat is the consumer. He
 duty, if he pays for the coat.
- J. Does or does not the rule that has
 that is brought into the market by
 whatever is done with it, I do not know
 keeping the foreign fish out of the island?
- J. Well, the Americans used not to pay
 to throw the fish overboard.
- J. Well, do you mean to charge them
 why they threw the fish overboard?—A.
 \$100,000.
- J. Suppose the profits on the sales—
 WITNESS. It is all profits.

Americans are to be charged with the sales, because it is all profits, and besides?—A. No, I do not say that. People should be charged with the Canadian market. I put the one against the other.

the United States much?—A. We do not say so.

balance?—A. That is for the Com-

missioner to get for information. You have a man who has held a public office in the port of Newfoundland, Saint John's, there is a custom-house, are not these things, and I may say that in a conversation with the premier of the island, he had made inquiry, and that not one of the customs, and that he had given an answer that was not to be assumed that because their fish duty-free, they were not

But as a matter of fact they had not had not required it.

A. I presume they will be. It is to be for the purposes of statistics, if

or things they bring? Do they not think they come and enter when they

have a manifest?—A. I think so; voyage. But there is a great difference between themselves between a trading

or anything they have to sell, or is a manifest of it, and it is entered to be. I would not like to vouch

for, undertaking to sum up exactly, as as a rule with reference to these gross total of sales of these fish, and is something that the American has not you hold?—A. I think they should be some compensation for

It would be the gross sales, would it not, Newfoundland should get the whole?

subdivision, but of what the American gross value?

the Commission?

ult would be, but merely as to the value would be estimated. My purpose in showing much value is to be attached to this point your judgment is that to pay for the right substantially the value of small fish?—A. I think it would

be estimated as part of the benefits

ceived by the Americans, and on that basis would be fixed; that is, on the basis of the value received by the Americans.

Q. And that you say is all clear gain?—A. All clear gain, because there must be a trifling loss here is no additional time, except for land and a trifling.

Q. Otherwise it would be the whole value you think that, in addition—that the duties added?—A. I think the duties should be paid by the United States.

Q. But the United States are not making any money now whether you said that on account of the value of these fish to selling them in your market. The value of the fish and the amount of the duties payable, should be the amount of the compensation. I think, should meet that point in the American market. They have given us the privilege of sending our fish to the United States without duty. I think when the United States give us compensation for the use of our fisheries, it is an argument that they have the right of sending our fish to the United States and benefit by a remission of duty which enables them to sell \$120,000 worth of fish which we have to throw away. I do not know of a fairer arrangement than that.

Q. I hoped you might be able to make a statement that is the only one we are likely to receive. I think that but for the Treaty of Washington we should not have sent into Newfoundland any of those fish.

Q. And your view is that the treaty requires the facilities of trading in Newfoundland at the facilities of trade which are set up in the United States as an equivalent for the fishing privilege which is trade privilege.

Q. In the case of this small fish, you take the value of the fish.

Q. It is only by the remission of the duties on the fish.

Q. Still you think that one should be balanced by the other. You think that would put a stop to that and would not have to pay for the whole twelve years?—A. The Government would have to pay for it. It is not a fair arrangement.

Q. Do the Americans buy codfish in Newfoundland to any extent?

Q. Well, you have in Newfoundland come from the Mediterranean, Portugal, Brazil. Do you think it from Halifax that the fish are sent there?—A. Yes, I think so.

Q. You make more money by these markets than you make by the United States?—A. Yes, I think so.

Q. Is not that reason enough for your saying that the United States should pay for the fish?

Q. Well, if the American demand on your fish has increased, is it not a benefit to your people, and to the United States?—A. Yes, I think so. If the demand has not increased, but decreased.

benefit to the

.. Seines, nets

e, yes.

your own fish
not injuring
large seines are

njure them f—

I formed my
omission, com
hroughout the
aking volumin
n, and they de
ncreasing, and
in which they
; that evidence
not been preju

protect the fish
nterfering, ex
ng the bait.]
men are to en

s banks before

se you touched
irty-five miles

three degrees
apths and sub
h may call the
re them plenty
ot understand
s does directly
hink that the
o keep the fish
ten years ago
s they now do
bait at a very
l one another
made it a rule
nem to bottom
so. I assume
he Americans
have a greater

ish to bottom
will follow the

some, but they

l for that pur
trawls set, and

Q. You see the fish rising for the bait and takes the fish down. Was not the bait thrown with the hook?—A. No, it was on the hook. You see they grind the menhaden all around.

Q. Then you mean to say that?—A. I do not know as they understand that they grind the fat state that attracts the fish. They don't use any bait on the hook, but they catch them without bait; but they do still catch cod on the banks.

Q. They do it entirely by sea with bultows.

Q. Then they throw overboard what they throw on each fat?

Q. Then when you speak of the hooks?—A. I am showing it over.

Q. You refer to the French, not say the Americans;

Q. Do you think you can tell the cod of your island?—A. No, only now as it did a few years ago.

Q. Does not a great quantity of fish go north.

Q. Codfish?—A. Yes; mainly.

Q. But does it not come from the same fish which goes due north. No, they are different. You will find, from the north from point to point, as I know I think it is a different fish. Has there been a mark? There has been in the last few years.

Q. I understand you to say that the northern part, where the Americans don't generally fish.

Q. You have mentioned codfish; at least I think so.

Q. And so far as the difference in knowledge, seeing that the only reason is the change in trawl-fishing on the coast, probably the laying off of the fish of keeping the fish to the north.

By Mr. Whiteway:

Q. Do I understand you to say that the fish are taken by our fishermen from

A. I did not say that; I was the bank-fishery on our own with reference to taking the merchants of their services. I

seals had baited in a cove and effect on the codfish?—A. I were hauled out of the coves, say they would leave alto-

off the shore, the cod-seines success as in the coves?—A. with as great facility as it is in the cove. Some of the ledges are fished by cod-seines to as great facility as they can be on the shore to these shoals they as while they are quietly in

cod-seine is used the same as

on the coast, the seine is not used?—

while in the coves would be an advantage; and this would be the case on the coast?—A. Yes.

just now, and if the use of the bank-fishery, you referred entirely to the mackerel. Codfish that were heretofore taken in Newfoundland. You did not say us the full value of that would be lost by saying anything of the

3.

great advantage and source of revenue can sell what heretofore was

before not entering at our cus-

have paid light-dues or not. As a general rule I am told more than one-third, and this

no custom-house officer and do. We have no revenue on the coast. An American

about the percentage for credit stated that in the fall of the supplies was much larger than

at of winter supplies sold on credit—three-fourths of the supplies in and not more than one-fourth

d that you were so ignorant that you
?—A. I said that we were so ignorant
ween a seal and a fish.

ant that you look on seal-oil as being
e of our learned judges wrote an able
s a fish, and mentioned that this was
ry.

et of the Bank fisheries—the deep-sea
y Newfoundlanders, except during the
tent of fitting out four or six vessels to
consequence of the bounty offered by

tell us whether a certain amount of
e Bank fisheries? Is not a different
rom that employed in connection with
very different from the inshore fishing,
erience and the risking of a very large

engaged in it require to be trained to
is, no doubt, most valuable and re-
must be trained for it. Our fishermen
e Banks, and this is the cause of its not
r for at least thirty-five years.

overnment is very desirous that they
It is for that purpose alone, I under-

It is given simply to help the mer-
first three or four years, until the men
se was pursued by the United States
e bounty to their cod-fishers many years
twenty or twenty-five years since the
well that a handsome tonnage bounty
their cod-fishers.

ave a trained body of men conducting

The French, too, give a handsome
grant a bounty of 9 francs a quintal
anean, and 10 francs on all shipped to

outside of the Mediterranean, and 11
thon and to ports in the Eastern seas,
y a duty of—I think I am right in say-
at in addition that they give a bounty
r boy brought to Saint Pierre, and 80
n shipped on board a French banker to
the style of fishing with which we in
ete.

absidize to a considerable extent ?—A.

r to the fact that there were two kinds
l the other by two men, and you gave
ttle different from that of the other ?—
ent. of difference, I think.

, fishes generally over a larger area of
A. There are larger boats employed to
to place, but they fish in the same
me, which they take with them.

will carry a smaller one; that makes
n area of many miles, and move from
the fish plentiful.

When you speak of large
to carry bait to the French
ve?—A. I refer also to Pl

But to no other part of the
land are the people engag
In no other part do they
sting Hermitage Bay, whic

It is large, but still it is e

Your attention has been c
egislature. Was there any
t of the negotiations being
ed States free of duty? Was
tion of the treaty, notwith
statements made by the pr

Was it not generally en
of admitting seal-oil free o
you could find very few pe
such would eventually be
going on between the Bri
would result in that perm

And has not the refusal t
of annoyance in the island
y?—A. I think that it h
people.

And they really feel that
they intended to treat the
ed?—A. Yes; I think tha
eeling throughout the who

By Mr. Foster:

Will you be good enough
there were which the Am
minute of council was ente
mediately afterwards, in con
of which they had been d
part of the coast.

I am not speaking about
privileges practically enjoy
uncil was entered into, the
h immediately previously t
they never did take bait fo
that minute of council wa
And how soon afterward
ner.

And you think that this v
te of council?—A. Yes.

What else was there?—A

What else?—A. They fis
rinter.

Had they previously been
am not sure that they ha
overnment had determine

Your recollection that t
g, but they had not yet b
he case?—A. I think that
previous. At that time I

think that the people thought
 Newfoundlanders were excluded
 to the Boston market, while
 allowed to come and catch a
 market duty free. It was con-
 sidered a little too far.

to prevent the Americans
 decided to do so.

not done so, as far as I know,
 in that winter.

in the practical operation of
 council resulted in preventing
 carrying out any previous in-

ways done; that is the amount
 freedom by that minute of coun-
 cil had any legal freedom in this

the Americans also been pre-
 vented?—A. Yea; they had been

there were several American ves-
 sels in St. John's Bay telegraphed to
 a number of American fish-
 ermen of halibut and of the
 a vessel direct from Halifax
 has had, however, been given,
 going under sail and sailing to-
 arrived, so that nothing really
 left boats at the place.

There were six American

noticed fishing there?—A.

they have been there every year,
 for many years.

them until within the last two
 or three years.

is told that they have pretty
 much pretty well cleaned out by

in about two years of the
 took fairly under the treaty
 and had to dispose of it in about

minute of council entered into
 whether it admitted American
 I do not remember that.

other things you have enumer-
 ated at point, because it is a mat-
 ter of fact about.

is admitted free of duty into
 the with all the rest of British
 the treaty was proclaimed

inhabitants of Newfoundland

themselves, who had the option of
ard?—A. O, no; it was caused
it put in, providing that the Am
abide by the local laws, which
that kind.

Q. It was due to your declining
and annexing an addition to it
addition was understood.

Q. It was, then, your own acts
coming in at the same time with
reverted by that addition to the
fter.

Mr. WHITEWAY. I think that t
nor Hill's dispatch to the Earl
minute of council:

My ministers, however, to whom I ha
cuments respecting the Washington
unintentional, and although anxious
lved to comply with the wishes of Her
on, during the present season, of citizen
the privileges granted to them by the
Government of Newfoundland to be

Q. Is there a dispensing power
the governor in council?—A.
ther in the Queen or governor.

Q. Then, until Newfoundland a
ay of preventing the American
es, it is considered legal in the s
ie bank charter in England is a
a way, but not a legal one; still
cto legislation.

Q. Do you really mean to tell t
r of revenue the enforcement of
as ever suspended, by a minute
ot say that this was ever done.

Q. What would your liberties l
at people who are sturdy are w

Q. And they would do it pret
at?—A. Yes; I think so.

Q. Perhaps you would be willin
preventing the Americans from
Newfoundland until you accept
as no such way, but I do not kn
positive on that point.

Q. What is your doubt regardi
there of removing duties on Au
cepted?—A. I do not remembe
ception in its revenue laws.

Q. Of course it did not. Honor
American fish being imported i
ie treaty was adopted?—A. O, c

Q. Then we did not at that tim
. O, certainly not.

Q. You have told us, I think, e
lered the remission of duties
undland fully equal in value to

Q. That is, for

Americans had
been by the re-

the remission
say that this
is on each side

the other?—A.
pound.

I can only tell
100 of duty on
is have saved
d.

the better for

prevented the
the importation
same date we
such was the

it up between
my years, and
h.

A. During the
increased very
ry, very much

at 500 sail. I
s.

considerable fail-
en have gone
it has proved

the seal fishery
She did.

land Govern-
and sold them

it, but it was a
Newfoundland

and?—A. They

—A. The fish
at Gaspé. I
in Newfound-

land; but they do not sell much more than fish a year.

Q. What I want to ask you is, whether the best codfish in the world was acknowledged by any means. Our fish, I think, has the same quality. Gaspé fish are also sent in there to a great extent favorably with ours.

By Mr. Dana:

Q. Are not the Norwegian fish considered equal to our Labrador fish, but not to our superior fish, but great care is exercised in catching and taking a great deal of care of them.

By Mr. Whiteway:

Q. Are you aware whether the produce of the Montecello, was rendered in St. John's, United States free of duty? Was the fish so shipped?—A. It was. I remember the firm of & Co.

Q. In what year was she there?—A. I am not positively on that point, but I think it was in 1832.

No. 16.

WILLIAM KILLIGREW, sixty-three years of age, John's, Newfoundland, was called on before the Court, Britannic Majesty, sworn and examined.

By Mr. Whiteway:

Question. Where do you carry on business and also on the southern shore.

Q. Renew's is a little to the north of Cape Race, 30 miles to the north of that point.

Q. Did you ever carry on the Bank or the coast?—A. Yes, I did.

Q. When?—A. From 1832 to 1835. My father.

Q. The business was done in your father's name?

Q. How many vessels had he?—A. One.

Q. In order to prosecute that fishery on the Newfoundland is absolutely necessary as I should say that it is one of the best fisheries. The Banks are pretty near the coast, at a distance of 30 miles, and have all the facilities for obtaining bait.

Q. What bait is used in the cod fishery during the first part of the season.

Q. For the Bank fishing?—A. Yes.

Q. And subsequently?—A. We afterwards use herring.

Q. Both these fishes are found in, about 30 miles from the coast?—A. Yes.

Q. You have a most intimate knowledge of the coast between Cape Race and Conception Bay?

Q. And also a general knowledge of the parts of the island?—A. Yes.

Q. What bait first makes its appearance in the fishery?—A. Herring.

of April, on the coast from
the season, until the end of
they are found at all times up

the cod fishery ?—A. Until
the middle of June.
For five or six weeks, and
about six weeks.

generally about the 15th or

until the end of November.
You been informed about, the
coast to which you have just

along that coast in any consid-
numbers.

in a few of them ?—A. They
as far as Conception Bay.
bait; caplin first and squid

for bait after they have ar-
rive to stay more than 12 or
nd at the time, they have no
lly know when the caplin will

?—A. Sometimes not longer
l are sometimes a little more
are not hauled in seines like
s for squid.

d ? Do they take this bait
!—A. It is done in this way:
e, and the crew of the Ameri-
es so much for the use of his

s.
ey purchase it if they can ;

kers fishing on the Banks to
ast and reach their fishing-
instances they could do this

nty hours after they had left

regarding the time from any
y. I have heard it from my
subject.

you knowledge ?—A. I know
so.

from American captains re-
verboard from the vessels ?—

A. In 1875 I met a Captain

Price and another American captain on board told me that they threw away more fish. He referred to half a dozen American boats.

Q. He was speaking of what your firm gets my place of business was. I asked him they threw away, and he answered, "At inches after being split we throw away."

Q. That is after the head has been taken?—A. Yes.

Q. Are you aware that any other practice adopted since the Washington Treaty has been?—A. Yes; they do not throw away these fish as we do.

Q. To whom?—A. To different parties.

Q. Where?—A. On the coast.

Q. To Newfoundlanders?—A. Yes.

Q. Your firm has bought some of these but not much.

Q. In what way are they prepared?—A. As we would salt them ourselves. Their oil is different. I now allude to the large fish. They salt these fish, however, lightly, but the Newfoundlanders, keeping them separate.

Q. Do they sell fish-oil on the coast of New Brunswick?

Q. From your knowledge of the fishery, these small codfish pay for the labor and say that it would, fully; more oil is obtained from the large by a good deal in proportion.

Q. Then the result of the sale of the fish is to the Americans?—A. Yes.

Q. These are what they previously threw away and salt is paid for by their oil, while the Americans get nothing for it?—A. Yes; otherwise they would not board.

Q. How is the cod fishery carried on by the Americans?—A. Principally with the hook and line.

Q. Where is it carried on?—A. All along the coast.

Q. At what distance from the shore?—A. Sometimes at a distance and sometimes within a mile.

Q. It is carried on at not more than half a mile from the shore?—A. Yes. It is prosecuted almost everywhere along the shore. This is the case with one or two places.

Q. On Cape Ballard Bank, it is carried on?—A. Yes. Cape Ballard Bank is about seven miles from the shore. A large class of boats fish there late in the season. Outside of the shore the large boats go out to this bank.

Q. In one or two other places the fishery is carried on at a greater distance than three miles from the shore?

Q. Judging from your knowledge of the fishery, would you say were caught by Newfoundlanders?—A. The greater portion is caught within the three-mile limit. Nine-tenths of the fish are caught within the three-mile limit.

Q. How many quintals would you say, for the three-mile limit?—A. For the three-mile limit 8,000 to 10,000 quintals. This would be very much.

Q. What are the principal Newfoundlander boats?

idies, and Brazil; some are

repared and cured for these
itted and split, after being
thin 12 or 14 hours of their
, it has a bad effect on their
and that is the consequence
er that as it would otherwise
number one; and they also
omstances.

9 hours of being taken?—A.
and put under salt.

It?—A. About 6 or 8 days.
r 24 hours in what we call a
7 fishermen in this part of the
are placed in a large boat.
ish less liable to be touched
ood deal of care to prevent
arly the case with the large
re piled. Altogether it will
to make them ready for the

uring of the fish?—A. Not
me sun, but not too much of

hot sun and a humid atmos-
very likely have the effect of

bout 150,000, I believe?—A.

coast?—A. They live along
st, in almost every locality,

1. Yes.

dependent on this fishery?—
do.

gricultural operations?—A.
. In some localities they do
ttle. One in every hundred

ence?—A. On the southeast
f May.

me localities it is prosecuted

ing during the winter sea-
r.

s?—A. Yes. Some of them

in the way of animal food?—

nantity of fish?—A. Yes; a

a regard?—A. Yes.

tion?—A. I assume, on the
ly consumes yearly about six

ntals, and that there are 30,000 families
y would consume about 180,000 quintals
}. How many are there in each family ?—
nber at five. I value this fish at \$4 a qu
of herring to each family, and this w
imate that 36,000 acres of land are man
arrel. Six barrels are used to the acre.

By Mr. Foster :

- }. To what kind of fish do you refer ?—A.
- ds are used for manure.
- }. How many acres are utilized for agric
- d. Caplin are principally used for thi
- so employed.
- }. And you value these fish at half a do

By Mr. Whiteway :

- }. At what do you estimate the sum tot
- }. This is for the population residing
- ands to Cape Race, and northward to
- remity of the island ?—A. Yes.
- }. According to the census, there are, 1
- 000 people living on what is commonly
- at part of the coast, along which the Fr
- That is about the number, I think.
- }. The whole population of the island
- s.
- }. Are you aware of any American v
- ishing within the three-mile limit on th
- I cannot speak directly in this connec
- or three American vessels having fishes
- }. Where ?—A. One at Cape Pine; ano
- bird at Cape Saint Mary.
- }. What fish were they seeking ?—A.
- ely on the point, but I believe that such
- }. Judging from what you have seen wi
- t by the Americans, what effect has it o
- first place to caplin.—A. It has a very
- }. In what way ?—A. The hauling of sei
- bait and has the effect of driving it aw
- probability the fish will follow the bait; th
- ven away from the shore after a time.
- }. As a matter of fact in your experien
- ve when the bait goes away ?—A. Most
- }. In what way is the fishery carried on
- th the hook and line, bultows, cod seine
- }. When are the cod seines used ?—A.
- re. About the middle of June.
- }. And at that time are the cod to be fo
- ge schools ?—A. Yes, generally.
- }. Under what circumstances is cod se
- s the case when the bait are undisturbed
- ere there is no bait there are no fish on
- }. In order to prosecute the cod fishery
- s desirable that the caplin should be allo
- st ?—A. Certainly.

possible?—A. Yes. Where
to find cod.

There are no caplin?—A. No.
I have seen the cod in for spawn,

it would happen once in seven

years, after the caplin have been

to advantage?—A. Yes; but that
I have seen instances of it during my

caplin or caplin spawn that
I have seen.

Americans on shore tend to dis-
turbly affect cod-seining?—A.
It has yet thus been done, because
of the shores; but I am afraid that
it will be in a short time. It is
dragging to which they are
accustomed of one or two instances
of this practice.

How injured it means almost
it does, indeed.

What do they do for sustenance?—A.
I fall back.

Does the fishery fail?—A. Nothing

has, did any practice with regard
to it. A. Yes.

Used to remove to a distance
overboard. They generally

This was the custom in my
the fishing-grounds.

Throwing over of offal affecting
the fish?—A. My impression is

regarding the effect which the large
quantity on the outer Banks and fish-
eries on the inshore fisheries?—

From the number of bankers
or of lines and hooks which
fresh bait, will have a very
some extent stop the fish com-

because they employ fresh bait
They never take fresh bai-

fresh bait distributed on the
affects the fish there and pre-
A. Yes.

formed?—A. It is founded on
I have seen the banker's bring in
our own shore.

Fishing of Americans will keep

way from your own shore the here?—A. Yes. The present shing which used to be prose

Q. What is the difference?—sh caught.

Q. These are now smaller?—arge average for a quintal of sh I have seen on board of o make a quintal. The fish a

By Mr. Foster:

Q. Do you mean in the cure

By Mr. Whiteway:

Q. What about the color?—f the fish. Regarding this ndred quintals of fish taken n my premises at Renewes, a ime how small they were co these fish were caught on the nd he said that this was th aught on the Banks. The u ay premises.

By Sir Alexander Galt:

Q. What would be the aver ose that some would weigh fi

Q. There must be a great m een a great many which weig

Q. How much would they we arge, from 10 to 12 pounds. l hen cured.

By Mr. Whiteway:

Q. Do you know how many o which you have referred to udging from what I have mys on say, a great many must ha reat number myself in differe

Q. How many?—A. I have t a time.

Q. Have you made any esti essels?—A. No, save from w

Q. At what do you thus esti 00 vessels. That is the best

Q. As a matter of fact, prev he condition of the fishery on ave just referred?—A. It wa ow.

Q. Then it has diminished ears?—A. Yes; and very mu

Q. That is within the limits

Q. From Cape Race to Conc

Q. And these are the limits ecurring their bait?—A. Yes.

Q. As regards the fishery to ista, and Notre Dame Bays—

Q—A. No; the fishing in that quarter two years.

WEDNESDAY, August 15, 1877.

CREW was resumed.

Q. In the deep-sea fishery, what effect, if any, is enjoyed by the Americans in being on the Newfoundland coast have on the prosecution of the number of cod-fishing voyages? It would be a very great advantage if enabled to procure bait on the Newfoundland three voyages or trips, when perhaps one.

Q. How many cod-fishing trips?—A. Yes; where one.

Q. The privilege of transshipping fish on the harbors of Newfoundland, would be an advantage? It would be a very great advantage. They are able to almost double their trips, or even subjected to no delay; and besides, when the property was transshipped on in this case insure it, and it would then be no risk to the owners. In addition, it enables them to prosecute their voyages very much more expeditious under such circumstances; they are loaded with material on deck as they are

Q. Yesterday regarding the amount of bounty granted to their people to encourage them to you know what this bounty is?—A. One-half goes to the owner and the other

A. Yes.

Q. How is it continued according to the act?—A. Yes.

Q. How much is paid to each vessel prosecuting the Bank

Q. In the curing of codfish, what is your best-cured fish?—A. I believe that the way we ourselves do it.

Q. How is the fishery?—A. Yes.

Q. How is it cured as speedily after being caught as our fish takes precedence in almost

Q. Newfoundland, I believe, covers a very large

Q. As to the area of fishing ground that is

Q. In the deep-sea fishery; give an approximate of the Banks are fished on by the Americans open to the world. There is the Grand Banks, is not it? Will you name the banks?—A.

ere is the Grand Bank, and
 smish Cap, which is situated
 Q. Don't they fish out as far
 the nearest places from Cape
 rt of the coast.

Q. This is on the Grand Bank

Q. There is also St. Peter's E
 ted off Cape Ballard, within

Q. Are there any other Ban
 are of.

Q. Is there not the George's

Q. From having carried on t
 such a length of time, can y
 garding the profits made in
 osecuting the fishery? In
 nts manned by two hands.
 at would be the profit obtai
 Q. Read the paper you have

Part—h

ags bread, at 30s. a bag
 arrel flour, at 50s. a barrel
 allons molasses, at 3s. 6d. a gallon
 ounds tea, at 3s. a pound
 ounds butter, at 1s. 4d. a pound ..
 oking utensils
 t money, 40s
 e of whaleboat and gear.....
 e of 1 herring-net
 shore-lines
 ross N. hooks.....
 id, twine, and corkwood
 e of fishing room.....
 vant girl's wages.....
 vant girl's diet.....

ien's wages.....

90 quintals fish, as a fair average
 and to 26 per cent.

Q. You mean equal to a prof

Q. Now take a western boat
 od-seining boat manned by
 ce, what do you mean by a w
 scription of boats; they have
 me of them are probably a li

Q. The western boats follow
 Yes.

By Sir Alexander Galt :

Q. Do they stay out at sea ?—
 ey are something similar to
 iple of miles from the shore.
 in the coast. The following i
 l-line western boat with six

men for 6 months.

| | | | |
|-----------|-----|----|---|
| ..... | £14 | 12 | 6 |
| ..... | 20 | 0 | 0 |
| ..... | 10 | 8 | 0 |
| ..... | 7 | 10 | 0 |
| ..... | 6 | 16 | 6 |
| ..... | 2 | 2 | 0 |
| ..... | 12 | 0 | 0 |
| ..... | 4 | 0 | 0 |
| ..... | 2 | 8 | 0 |
| note..... | 35 | 0 | 0 |
| ..... | 41 | 13 | 4 |
| ..... | 150 | 0 | 0 |
| ..... | 40 | 0 | 0 |
| <hr/> | | | |
| | 346 | 10 | 4 |

..... £500 0 0

gs for a cod-seiner with seven

6 weeks.

| | | | |
|------------------------------|-------|----|---|
| ..... | £6 | 0 | 0 |
| ..... | 7 | 10 | 0 |
| ..... | 2 | 9 | 0 |
| ..... | 2 | 16 | 0 |
| ..... | 1 | 10 | 0 |
| ..... | 3 | 15 | 0 |
| ..... | 00 | 0 | 0 |
| ..... | 20 | 0 | 0 |
| ..... | 25 | 0 | 0 |
| will require to be re- | 25 | 0 | 0 |
| | <hr/> | | |
| | 184 | 0 | 0 |

..... £312 10 0

1—A. £15.

men. This is for a voyage of

ing that time?—A. Yes.

n from your books as actually

es?—A. They are.

respecting the returns usually

nder the mark, if anything.

ping your oath that the esti-

1—A. No.

1 American captains relative

ons related to, and what the

—A. I will. My memoranda

loan banker, of Provincetown, 60

on the Banks the 5th May, with asst

in, which he got at Cape Rough.

. Came in now for ice and squid.

ould not take any bait but squid. Has plenty of
are no good now for bait. Considers it a great
e able to get ice and bait here. Only makes one
eenoth, American banker, of Provincetown, 65 t
ster, left Provincetown for the Banks on the 4th M
nce before this, and obtained caplin and ice at
ids now for bait. Only makes one trip. Has
n cured. Considers it a great advantage to them
bait here. Considers the squid the best bait.

id rather than go with any other bait.

elen, of Beverly, American banker, 63 tons, 11 r
been about three months on the voyage. Left 1
t. Has about 500 barrels codfish on board when cu
it get the squid bait, if possible. Would wait so
with any other bait at this season. Thinks it of
ery to be able to get ice and bait here.

William A. Jewel, American banker, 70 tons, 10 m
Provincetown. Left there for the Banks on 2d Ma
ish, green. Came here for ice and bait. First bait
ks. Wishes to get the squid bait, considering it
on. Also thinks it a great advantage to them to
RUSH WATER BAY.—*Saint John's, Monday, 23d Ju*
merican banking schooner Speedwell, 65 tons, of H
ster not being on board, the mate, Mr. Degan, is
ut 12 weeks on the voyage. Had about 450 qtls.
t the United States with clams for first bait. Co
ouring ice and fresh bait. Fish can be caught wi
other bait. Considers it a great advantage in th
be able to come here and obtain ice and bait.
h caplin.

Lattie S. Clark, 65 tons, Johnson, master, of Gloc
ere for the purpose of obtaining ice and bait. H
age. Had about 480 qtls. codfish when cured; o
m to be able to get ice and bait here. Considers

best that could be procured. Was in once before
Vent on board of American banking schooner W
ona, J. S. Kelly, master. Came in here for ice and
voyage, and has on board about 350 qtls. codfish
ring, from St. Pierre. He requires squids for ba
uld wait a fortnight to get squids rather than g
ra it a great advantage to their Bank fishery to k
this coast. Was in once before and obtained free

lla May, of Provincetown, American banker, of
ne in here for ice and bait. Has been nearly thr
1. Has on board about 800 qtls. codfish, when ou
tes with clams for first bait. Considers it of gree
re on this coast and procure bait. Considers the
season. Was in once before this and obtained f
Vent on board of the American banking schoone
t the United States on the 13th April with clams
tube codfish, equal to 1,200 qtls, green. Came i
squid, if possible; considers no other bait so go
antage to their fishery to be able to procure ice a
the States.

leander, American banking schooner, 64 tons, 11
hard C. Heilar, master. Left for the Banks on t
t. Has on board about 450 quintals codfish when
ice and bait. Considers that the American bank
m being able to procure ice and bait here.

leading Breeze, of Provincetown, a banker, 69 t
and bait; something over two months on voyage
tes with clams for first bait. Considers squid the
siders it a great advantage to them to be able t
ut 650 quintals fish on board when cured for thei

2. When did you see the master of the L
1 of last July.

2. And when did you see the master of
1 of last July.

American captains say what number of Banks?—A. Yes.

ere during the present summer?—A. Difference in the number given. Some

r of American vessels that were fishing
nt summer given as 400 and 600?—A.

nd vessels ever go down to the United
ver heard of any going there for that

at home, close to their own doors, and
r away for them?—A. No.

o understand the bait question a little
erring as bait earlier in the year than
It is the only bait we can get until the

the year through, while the caplin and
n they are not good bait as these other

e herring at Newfoundland?—A. Yes;
case, I think, on the Eastern shore, but
procure herring early in the spring.

Fortune Bay, along the Western coast.
t these herring?—A. I believe that the
l skiff, with the owner of the skiff, and

into a Newfoundland boat, hired of its
haul the herrings on the shore; is not
erally done on shore, though I believe
nces. On a beach or in a sandy cove
ther localities they are obliged to take
ines on board the skiff.

way?—A. It is the best way.

way?—A. I believe that it is.

t the Americans have any right to go

r of the skiff?—A. For the use of the
think they pay from £2 to £3—\$8, \$9,

to the quantity caught?—A. Not when

r the use of the skiff?—A. They hire
rstand, for about \$10.

-A. For a day, if bait is plentiful.

otting enough bait in a day?—A. This

there being any scarcity of bait on the
, yes.

the southeast part of the shore. They
l out to-morrow, and then in again.
which would perhaps drive the herring
ht do so.

ed in securing an ample supply of her-

ing in a day, in the right place, on so
s in the right place, there would be n

Q. Are herring found in great ab
This is not so much the case in the sp
which I am well acquainted as at oth
quainted with the Western shore.

Q. Is the supply of bait in Newfound
to supply the Americans with it m
that this is the case.

Q. Is there not an inexhaustible s
Newfoundland? Cannot an almost i
tained there?—A. This is the case on t
s not so on the Southeast coast.

Q. What is the part of the shore w
A. From Cape Saint Mary to Cape Jc

Q. But you have obtained some in
sland?—A. I have.

Q. What I want to know is wheth
cannot always be procured on the c
was the case up to this last year. La
this relation in Fortune Bay and other
heard of there being any scarcity.

Q. They were for sale last year in
not?—A. I think that they could be l

Q. Do you mean to tell the Comm
scarcity of herring bait on the shores

Q. You do not?—A. No.

Q. You mean to tell them that ther
on the coast, and that this has been t
discovered?—A. Scarcely any one wa
of which I speak.

Q. What I want to know is whethe
any difficulty was experienced in gettin
bait somewhere on the shores of Ne
that there ever has been such a time.

Q. Never?—A. Not to the westwa
are to be obtained during the early p
~~period.~~

Q. They are not everywhere every
A. O, yes.

Q. In accessible places, they are al
as my information goes.

Q. Is there not a great abundance
a very great abundance.

Q. How are they taken?—A. With

Q. What is the cast-net?—A. It i
boats and punts. It is small and v
pretty quickly.

Q. Will you describe to the Commi
are—their size, &c.?—A. It is a very

Q. Does it not grow to be pretty
mackerel?—A. No, never; it is very

Q. Would you say that it would b
About that. I dare say a good run o
n length.

Q. Is it salted for bait?—A. O, yes

take it for bait, and salt it?—A. Yes

sh?—A. Not that I am aware of.
Arrels, and taken over to the French
re of.

Not that I am aware of. It is not put

They, perhaps, put a little salt on it
but otherwise they take it in the fresh
elves.

Pierre and Miquelon from your shore?—

fishermen put on more salt?—A. The
own liking. Sometimes, if they think
un, they do not put salt on it.

his would lessen the price of the fish.
es?—A. I am not aware that they do
do you think that salting deteriorates
ch would rather salt their own bait.

erre buy of your people this caplin, do
emselves?—A. Yes.

hat it will keep a number of weeks?—

lited, as long as ten or twelve weeks?—

at the French pursue their fisheries?—

which carry four men are for a part of
is of carrying these caplin and squid to
?—A. Yes.

nsiderable business?—A. Yes.

n think were engaged in taking caplin
nd selling them to the French fisher.
what their number is.

number do so?—A. I have heard that

ss to your fishermen?—A. Yes; but it

expression?—A. That only one out of

e the business?—A. Every one hopes
il and the first prize.

ith these caplin, if they did not carry
French fishermen?—A. I believe that

people on your island have a right to
-A. I do not dispute that.

ie caplin besides selling them to the
aware of, save use them for bait.

tities of them for manure? There is a
his is done very extensively, is there

g you said that they manured 36,000

the acre? I suppose that would be a

Q. Is this not the cheapest manure that they can get for their land?—
A. I suppose that it is.

Q. And what do you think that it is worth a barrel?—A. Half a dollar.

Q. There is no scarcity of caplins?—A. No.

Q. For six weeks it is found in immense quantities?—A. Yes.

Q. How is it procured; by seining?—A. Yes; the fishermen use cast-nets for the purpose.

Q. Do they usually go ashore and seine them like herring?—A. No.

Q. They use the seine from their boats?—A. Yes.

Q. And the caplin is taken by your own people, in your own boats, with the assistance of Americans?—A. Yes; in some cases. That is what I have always understood. The man who owns the seine is hired for the occasion, and he is assisted by the American crew.

Q. The supply of caplin is so great that in twelve or sixteen hours a vessel can obtain all she requires for bait?—A. Yes.

Q. Partly in the way you have mentioned, and partly by purchase?—
A. Yes.

Q. Are caplin good to eat?—A. Yes; they are very nice indeed.

Q. But they do not keep?—A. They do not keep long. The sooner they are cooked the better.

Q. It would be a very valuable fish if it did not deteriorate so very fast?—A. Yes.

Q. Perhaps you will explain what kind of a fish the squid is?—A. It is a rather large fish with horns. The horns are some eight or nine in number.

By Hon. Mr. Kellogg:

Q. How many inches is it in length?—A. Nine or ten perhaps. It is a very dirty fish.

By Mr. Foster:

Q. It is not fit to eat?—A. Some people eat it. Spaniards do, and like it very much, but we do not eat it. I have never tasted a squid.

Q. It is a kind of cuttle-fish?—A. Yes.

Q. It has hardly any bones?—A. No.

Q. It is soft?—A. Yes.

Q. Your people sometimes use it whole or cut it up for bait?—A. They cut it up for bait.

Q. Is it also salted?—A. Yes.

Q. And how long can it be preserved when salted?—A. For two years, if desired.

Q. And would it then be good bait?—A. I do not say that it would be good bait, but it would be just as good as when a month old.

Q. You do not agree with the Frenchmen, who consider that they are as well off with salt as with fresh bait?—A. I do not.

Q. Squid can only be taken by jigging?—A. Yes.

Q. Why can they not be seined?—A. Seines are not allowed to be used by our legislature for the purpose.

Q. Could you seine squid?—A. Yes.

Q. But this is forbidden in your island waters?—A. Yes.

By Hon. Mr. Kellogg:

Q. Is the squid covered with scales or a skin?—A. It is covered with a skin.

By Mr. Foster:

Q. Are squid abundant when in season?—A. Yes; very abundant indeed.

the island?—A. They are found all

They are found in large quantities from

all the western shore of the island?—A.

—A. I believe so.

all acquainted with distant parts of the
are not resorted to?—A. I know the
and they are taken in large quantities

on your island and St. Pierre, and fur-
bait, take squid as well as caplin?—A.

the fair average price of squid is when
somewhat according to the demand. If a
when two or three bankers are waiting
that he chooses for it. Others may not

the best prices you have ever heard were
as much as 30 francs a barrel have

A. Yes.

be?—A. This would be about 2 francs.
sell them at all.

not salted?—A. It would not then keep
more than three days.

hundred, as well as by the barrel?—A.
no.

establishments where they keep herring
is not this the case?—A. No.

of it.

the island who make it a business to sell
the fishing-vessels of all nations?—A.
to assist in furnishing them with bait,
y knowledge.

considerable business? Here is an ad-
vise at Gloucester. Did you ever hear of
prosecuted on the island? Read it.—A.

Newfoundland coast for bait will find Concep-
tobor for herring, caplin, and squid. Also, a
Broad Cove, south shore.

his examination, on the ground that it
indication whether this notice came from

is acting wholly within his right. He
y of the Commissioners to receive all
as of either government saw fit to lay

ly on such a thing as that notice.

ad Cove, on the south shore?—A. Yes,

an named James Tucker?—A. I have

I do not know.

AWARD OF THE FISHERY

Q. Who is he?—A. I know nothing at all of him; I have never heard his name mentioned.

Q. Did you ever hear of the "Morning Chronicle?"

Q. Where is it situated?—A. At St. John's.

Q. Newfoundland?—A. Yes.

Q. You have seen matter that has come from it?

Q. Does this notice look as if it had been printed there?—A. I see the words "Morning Chronicle," and I see the words "St. John's, Newfoundland."

Q. Have you ever heard of Boyd & McDermott, of St. John's, Newfoundland?—A. Yes.

Q. Their advertisement runs in this way:

ICE! ICE! ICE!—Summer, 1877.—Boyd & McDermott, St. John's, Newfoundland.—In store a quantity of ice, at a low price; also all kinds of ships' stores and fish.

Q. Do they sell ice?—A. They have sold it.

Q. Have they an ice-house?—A. Yes.

Q. And they have just started in this business?

Q. To whom do they sell ice?—A. To all who want it.

Q. And to anybody?—A. To anybody that wants it.

Q. They are men engaged in business to supply the fishery from all the world; no law exists prohibiting them from doing so in this business?—A. Not that I have heard of.

Q. Did you ever hear of George F. Christy, of St. John's?—A. No.

Q. Did you ever hear of James H. Feltman, of St. John's?

Q. The following advertisement also appeared in the "Morning Chronicle":

ICE and BARR.—The undersigned begs to announce that he has for sale 1,000 tons heavy clear ice, suitable for salubrious purposes. He is also prepared to bar in his ice, and June, in order to deliver at a moment's notice upon reasonable terms.—C. S. FOWLER.

Q. Did you ever hear of C. S. Fowler?—A. Yes.

Q. Is he engaged in the business of furnishing ice?—A. I have heard so. He is established about eight years.

Q. Did you ever hear that he furnished ice to the fishery?—A. I heard that he supplied ice. He is a telegraph operator.

Q. Did you ever hear of the Heart's Content, of St. John's, Newfoundland?—A. No.

Q. Are you not familiar with Trinity Bay?

Q. Do you know John Moore, of Heart's Content?

Q. Do you know Jillard Brothers, of Heart's Content?

Q. Did you never hear of them?—A. Yes.

Q. What did you ever hear of them?—A. I heard that they were engaged in keeping a shop; nothing more.

Q. They do business at Harbor Grace?

Q. Do you know where Heart's Content is?

Q. Is it a good harbor for bait?—A. I do not know.

Q. Has there ever been a time when you have been forbidden to sell bait and ice to the fishery?

Q. Have you ever known when either the fishery or the

sland and buy of your merchants ?—

come to Newfoundland and buy bait ?—

r rarely, indeed.

it to them ?—A. Yes.

statement which we have heard, that five years that the Americans have bait and ice ?—A. I do.

Pierre ?—A. Never.

think, yesterday, that a large proportion of their living on what they got out of

iled their all would be gone ?—A. They

btain money to buy what they require fish ?—A. That is their principal means

icultural products for their own use ?—

ings which a family need, with the ex-oes, and oats, perhaps, they must sell

ce which the merchants of Newfoundland begining of the season by an agree-fo.

in the season ?—A. I do not know that at the same time an understanding year as to what they think would be a ion to credit their dealers for fish ; but A person who wants fish will buy them ord to give. As a general rule there is

entered into between merchants as to it the boat-fishermen for fish ?—A. Yes. not a price agreed on. The fishermen

on by the merchants ; do they not fix

ad an understanding with each other ?—use at a later period in the season, but ged to give something more for the fish ly them with fish the benefit of such an

btors for their outfittings to the mer- end of the season ?—A. Yes.

at one quarter of the number of boat-on would still be indebted to the mer-have to credit them for what they lived gree with that statement ?—A. There is one in that kind of way, but there are a rule. Some of the fishermen are quite argains for themselves.

' these men who fish in boats constantly No.

AWARD OF THE FISHERY

With what proportion do you think it would say, perhaps, one-third.

And these fishermen bring in their fish to the merchants to whom they are indebted at the end of their number are indebted all the time; they agree upon the price at which they sell their fish; is not this the case?—A. No.

Has not this been the fact from the earliest times?—A. A man may be so indebted this year, and the next year, under entirely independent circumstances. Because it does not follow that they will be in debt the next year; in a favorable season he pays it off, while, perhaps, another man may not be successful and get into debt.

Is this not an old practice of the merchants, which has been complained of against the boat fishermen of Newfoundland from the earliest times?—A. What?

That they were in debt to the traders, for their fish and paid them what they chose; is this true.

We will go back to the year 1800, and the following from a memorial presented to the Governor of Placentia Bay:

“Your memorialists beg leave to inform your wisdom that we are long in the habit of charging such prices for our fish as we please, and likewise affixing prices to their fish as we please. Your memorialists only wish to have the common right of mankind, they will do as they will of their own. Your memorialists only wish to have the produce of their fishery, as with the boatkeepers in John’s and its neighborhood. Your memorialists most humbly crave your wisdom to redress their complaint, and, as in duty bound, will for ever remain, your obedient servants.”

Did you ever hear of that?—A. No.

Did you ever hear of the governor of Newfoundland making an official communication?—A. No.

I will read the following from such a communication:

“The remedy this evil will be no easy matter to devise, that unless these poor wretches emigrate thence, while the merchant has the power of settling the price to the fishermen and on the fish which these poor set of unfortunate beings working like slaves at the expiration of their term, however successful they may be, they are not only without gain, but so deeply in debt as to despair.”

Did you ever hear of that document?—

Do you know enough about the history of the fishery to say whether it used to be true or not?—A. I never knew anything of the kind.

You do not think it would be any advantage to the fishermen if they were to have all their supplies at half price?—A. I know as far as my experience goes, that with the issue of fishery supplies, whether good or bad, the fisherman always received what he needed to live on.

by Governor Gower on that sub-

prevailed in some of the outports of this
g their dealers of the prices of the sup-
y will allow for the produce, until they
reby the latter are exposed to great in-
to make known to their dealers before
time of delivery, the prices of provisions
rices they will give for fish and oil, and
part of their respective stores; and in
th this useful injunction, and a dispute
ecting the prices charged on such mer-
ought into a court of justice, the same
ce charged for such goods and the highest
hant in that district. And the judge of
rates, are hereby strictly enjoined in all
tion.

E. GOWER.

prepared to tell the Commission
n of the Island of Newfoundland
h to all the world?—A. Well, of
ally beneficial, but in this case it

ain it in this way. If a man is
lose more than double what he
catching fish he would put very

catching fish it would go to the
cash he generally puts it in his
t.

St. John's that have such large
f houses.—A. I cannot boast of
rs & Co. is a large and exten-
ve & Co., J. & W. Stewart, Baine,
l Bowring Brothers. There are
t the number exactly. A great
ished.

fortune that, under the Treaty of
an opportunity to sell their fish
do.

aternal care of the merchants of

the mercantile establishments of
so established at Toulanguet, Tilt
Cove and Bonavista?—A. Yes.
A. Yes.

John's, Renewes, Ferryland, and
tune Bay; there are large estab-

AWARD OF THE FISHERY

And away between that and Cape Ray Burgeo Channel, and other places.

Then, as a matter of fact, the merchants sailed along the coast between Cape Ray and Race, and thence northward until you

Did you ever hear of any combination to fix the price of fish and oil, or any of the kind you never did.

Never in your life?—A. No.

Do you believe that any such combination could be accomplished?

Could there possibly be such a combination accomplished?

Did you ever hear of any combination of adjacent towns to fix the price of fish?

Nor of produce?—A. No; never.

Harbor Grace and St. John's are, I suppose, on the island?—A. Yes.

Did you ever hear of a combination existing between these two towns?—A. No.

Are there as large mercantile establishments in St. John's?—A. Yes.

Speaking on your oath, does any such combination exist?—A. No such thing has any existence; there has never been anything of the sort for five years, as far as my knowledge goes, of such a thing.

I suppose that in St. John's, as in all parts of the country, they know over the state of the markets in foreign countries of fish and other things in foreign markets, and that it is generally understood what amounts to a combination?—A. Yes.

And is it not a fact that the dealers do not, notwithstanding the circumstances, thank the merchant who furnishes their supplies?—A.

Is not that transaction one of daily occurrence?

And is it not frequently the case that the dealers say, "I will credit you so much for your fish, but if you go elsewhere and obtain it"?—A. Yes.

And do they not frequently go elsewhere to purchase?—A. Yes, we have known several such instances occur.

And does there exist on the island in 1805 a combination to be set up here?—A.

None.

Is it not frequently the case that accounts are settled with the merchants and dealers, and that the accounts are settled at this the regular mode of settling disputes with the dealers?—A. Yes.

In 1805 I believe, from what we learn, that the merchants were settled by what was termed suits.

I believe that before your time these suits were common?—A. Most certainly. There were no suits in the country.

And during your knowledge of Newf

tence?—A. Yes; this has been

general rule, are composed of
Yes.

the present jury system to get it
and not be done.

an advertisement or notice—you

etly understood, and by me ad-
r, that as regards any newspaper
king to admit and desirous of
in any newspaper of Newfound

t a number of persons living
milt ice-houses for the purpose
s; I have heard of it.

Washington Treaty came into

realize a profit on the transac-

onuses are not the persons who

w Mr. James Tucker could ad-
in Conception Bay when he has
s to dispose of ice?—A. Yes.
ed, it is a profitable trade—
l?—A. So far as that goes, I

effect that American fishermen
haul in the seines for herring on

y the treaty now; they do it as
treaty did not go as far as that—
g seines on land.

They work on shore.

A. Yes.

n shore, and at other times they
re out the fish with boats?—A.
ight to land for that purpose

be made with regard to 36,000
n, that it was entirely manured

with caplin?—A. Yes; princi-

; besides there are other ma-

Yes; and squids.

the principle of there being six
upon the land?—A. Yes.

principally caplin, I think.

landlanders lightly salted them

Yes; when taking bait to the

?—A. Very rare indeed.

take the bait fresh, convey it to

Saint Pierre, sell it to the French, who salt it and use it on the Newfoundland Coast?—A. Yes.

Q. You were asked as to the abundance of bait upon the coast; such is the case, is it not, that bait is abundant on the coast?—A. Yes.

Q. But what is the effect, supposing in any particular part of the coast the coves are swept and thrashed of a large quantity of bait, upon the fishery in that immediate neighborhood?—A. A bad effect, I should say; it would have a bad effect.

Q. In what way?—A. Of course, by driving the bait out of the coves you drive the fish out, and the fish would leave. It is the bait which attracts the fish and brings it to our shores.

Q. As described by you?—A. Yes; there cannot be a question about that.

Q. Between Cape Mary's, you say, and Fortune Bay, inclusive, there is always an abundance of herring?—A. Yes.

Q. And from Cape Race northward there is always an abundance of herring?—A. Yes.

Q. But not so abundant as within the former limits?—A. Not for a portion of the ground. From Cape Race to Cape Spear they may not be so plenty. But go north from that again, and there is generally plenty in the bays. There is plenty in Conception, Trinity, Bonaville Bays. Bay of Notre Dame is always full of herring at the time I have named.

Q. As I understand it, between Cape St. Mary and Fortune Bay, inclusive, there is herring in abundance all the year round?—A. Yes.

Q. But between Cape Race and northward from that as far as Cape John, there is an abundance during the summer season, between May and December; that is the case?—A. That is the case.

By Mr. Foster :

Q. I will read some questions and answers that have been made to them, and I will ask you whether you understand them to be true or not:

Q. But it is not necessary to suppose a case where both the rival houses behave dishonestly, and the man too. I am supposing that all behave honestly. Each merchant must make all the profit he can, and must hold out such inducements as are proper. The fisherman does not want to cheat anybody, but only to pay a reasonable price, and no more than that?—A. I do not see that it would be an advantage to the fisherman, for the reason that the prices are generally fixed for the whole season, and every merchant charges about the same price.

Q. Is that true?—A. I think it is pretty near the thing.

Q. So that if there are two houses in the same place rivals, they would charge the same price?—A. They would not compete by underselling. Their only competition would be in securing the best and most reliable men.

Q. Is that true?—A. I don't think they consult each other, but there is an understanding.

Q. What do you mean by saying an "understanding"?—A. That as to the price of fish; it is never binding on the others. You find the merchants in St. John's and other places have different prices.

Q. Do you think that the principle or practice which prevails pretty largely elsewhere, of trying to undersell, does not apply to Newfoundland?—A. Not to any great extent. Neither does it in the purchase of the produce, for they all meet and decide what they will give. They fix the price.

Q. Is that true?—A. I don't think it is.

Q. Then the merchants, as a body, act upon the fishermen, do they?—A. They decide what prices will be given.

true.

come up to that?—A. Well, they generally do particular subject with Judge Bennett as he testified. We have talked overing at the hotel together, but nothing than any man in Newfoundland would

as I have read to you?—A. In some at is the practice in some parts of the so far as my experience goes.

Saint John's to Harbor Grace?—A

Labrador belongs to Newfoundland?—

of fish when cured, taken by certain t is the difference between the mode of f curing?—A. Yes. Our mode of curing; it requires four or five weeks; it er, but not less than four weeks. The three days. Their fish is more heavily

than yours?—A. It will not keep ac climate at all. It is sent away, packed ica, whereas we pack it for long voyard.

No. 17.

years of age, residing at Saint John's board of works department, Newfoundland- overament of Her Britannic Majesty

ite acquaintance with the fisheries o tactical knowledge.

derived?—A. From having served m; a my early years, from having been en ery business upward of twelve years

the fishery business in Newfoundland; arious parts of the Island?—A. Yes, i tia and Trinity Bays, and of late year Cape Ray and Bay of Notre Dame. pe Race, thence to Notre Dame Bay?—

who prosecute the fishing on the coas ide all along the coast in the variou small communities, small settlements the shore is the fishery prosecuted?— thin a mile and a half of the shore g in very rare instances, where a sma

AWARD OF THE FISHERY

ried on on banks off Cape
nt, in the same neighborho

I forget the name of the l
your estimate of the quan
and between Ramea Island
e three-mile limit ?—A. A
certain not more than 6,000
is far as I am informed or e
e fishery of Newfoundland,
more fishery ?—A. It is to al
ou any knowledge of the l
al knowledge.

ot been prosecuted since y
een prosecuted by Newfo
, except this year, when
n four were fitted out. Th
the Americans and French.

It was formerly prosecu

ls of 35 years ago ?—A. Ye
vious to that from the we

to the inshore fishery of w
y Newfoundlanders, with w
on ?—A. It is prosecuted
rs, and cod nets. I think t
of the cod fishery.—A. Y
s are set off from the shore
l net is set in and out from
rse the shore.

t season of the year is the
during the presence of caplin
n school—when the fish are
at. The cod seine is used
ach seines into skiffs.

ug caplin to have been muc
be much used to advanta
e cod seine is not used ther
ay in which the cod seine c
l seine is only used durin
a great advantage when ca
les, and the fish attracted t
e heard that herring, caplin
ders ?—A. Yes, they are.

oes herring come in to the
ape Race and northward.
ontinues there till well on
on the eastern coast ?—A.

that north.

ape Race north to Quirpon
is in in April and continues
all that time there is abunda
In Placentia and St. Mary's
the spring, but the great h
where it is to be had in

d by the fishermen in the spring?—A.

out when?—A. From 5th to 15th June.

During five or six weeks, sometimes more.

A. About 15th to 20th July.

1. Sometimes till November—the squid generally to the end of October.

2. Quantity of bait on the coast?—A. There is a great quantity.

3. Fishery carried on by the Newfoundlanders?—A. By means of boats with two hands, in cod-seine skiffs, small jacks carrying from 5 to 10 quintal boats, decked, of from 15 to 35 tons. There are several classes of craft respectively near the shore. The cod-seiners very small. The small description of jacks fish boats, but sometimes start a little out. The fish are taken from place to place, wherever they find fish pretty much on the same ground. The Commission has an approximate idea of the number of boats—the number in each class?—A. They do so, because a very large proportion of the larger boats, and enable them to work in procuring bait, obtaining wood and water on shore to the vessels, and so on. I could

not speak of go down to the Labrador and a portion of them do.

4. For a short time in Newfoundland and Labrador?—A. They do. They catch a portion of the fish on the coast, in which case they land the Newfoundlander and then return to be made during their absence.

5. How much has been put in, I see there are 14,653 quintals; are these what you term small boats, and the small description of boats?

6. As to cod-fishing?—A. They are, as I have

said, the larger boats?—A. Yes; a large portion of the larger boats.

7. Do the United States codfish have been imported into Newfoundland?—A. I am aware that they have been imported. I have seen fish landed, and I have seen American captains that they do now import into Newfoundland.

8. On your own knowledge or information, as to the prices of the small fish?—A. The prices, as paid by the dealers and purchasers in Newfoundland, are from 10 to 12 pounds.

9. Are they thrown overboard?—A. So American fishermen throw overboard all fish under 28 inches in water, and 22 inches as split.

10. Is informed you as to the quantity of fish thrown overboard by them?—A. Yes.

Q. What have they said to you?—A. A. I have me their ideas and sentiments. I thought 125 quintals for every two trips made by bank. They gave me to understand would be 125 quintals for every two schooner.

Q. Two cod fishing voyages?—A. Yes, I think so.

Q. That would be 125 quintals a voyage?

Q. Have you from any source whatever, by your knowledge as to the number of American vessels prosecuting the deep sea fishing on the coast?—A. The only knowledge I have on that question is from our own people resident on the coast. I am quite sure in my own mind, from our people, that there are 500 of these vessels. I assert on the information of American fishermen I will only quote him.

Q. Who is that?—A. Captain Campbell of Gloucester.

Q. What did he state to you?—A. He stated the places where the vessels were fitted out, A. I.

Q. State, if you please, what information he gave you?—A. He told me there were from Gloucester, 15; Marblehead, 30; Plymouth and King's Wharf, 10; Dartmouth, Eastport, Portland, and other places. The whole number he gave was 1,035. He stated that three-fourths of those vessels all fish upon the coast.

Q. He informed you that three-fourths of the vessels fish off Banks off Newfoundland and in our bays?

Q. Have you recently, and during this season, observed many places on the coast of Newfoundland where they have, recently, between Cape Race, New Brunswick, before that between Ramea Islands and St. John's?

Q. Did you observe American fishing-vessels on our coast and in the coves and harbors?—A. Yes, everywhere I went, in great numbers.

Q. What were they doing?—A. A number of them in the little coves and harbors, a number were out, and obtaining fresh bait and ice.

Q. How did they obtain the ice?—A. They obtained it from the Newfoundlanders.

Q. From the Newfoundlanders?—A. Yes.

Q. How did they obtain bait?—A. The bait was obtained by purchasing it from our people and partly by catching it.

Q. So far as your information went, and the information of the fishermen, they obtain an ample supply of bait?—A. Yes, I think they obtained a good supply of bait.

Q. Have you formed any opinion as to the effect of the bait on the fish?—A. Yes, I have. Its effect is no doubt upon that question. To drive the fish from the coves resorted to by our small fishermen in the winter, they cannot follow it. When the bait leaves the cove the fish will leave it also. So these vessels are very often waiting day after day for a supply of bait.

that the driving away of the bait or displacement in the fishery, that instead of being a variable fishery?—A. Certainly. In the best, or little harbors and places where the bait is used, and would not return for a few days,

advantage to Newfoundlanders to have the local fishermen—a real, substantial advantage is generally profitable on both sides, but the benefits are almost wholly on one side. The Newfoundlanders engaged in collecting bait for the Americans, or the little bait they sell to American

were to follow their usual vocations of fishing, they would obtain a larger amount of fish than the little they get from their bait. It is an absolute nonentity to our losses.

I think that the sale of bait to American fishermen on the coast are seriously detrimental. I am very well convinced upon that point. In the fisheries it is also detrimental to the

Captain Campbell it would appear three-fourths of the fish on the banks, bait on our shores would last for two trips; have you figured up the value of a season of small fish sold by Americans?—A. Yes, say for 700 vessels, at \$2, equal to

Captain Campbell's statement, that 250 tons ought, probably, upon every two bank-fishings derived from Captain Campbell and

that quantity of fish is sold on the coast?—A. I cannot say it is, but I have heard that the captains intend to sell it hereafter instead

of bait, also, that they do sell it now?—A. I think a large portion. I cannot tell what

captains received at any time any information of their being able to bait upon the banks. Yes; masters of American vessels have the right to prosecute the bank fishery now upon the Newfoundland coast; that formerly there was no supply of fresh squid on the banks, but it was unreliable, and it was not to be had.

In getting a certain quantity of squid on the banks?—A. Not so in later years.

The information derived from American captains upon the banks for the bait of herring, that American captains informed me they used to call shack.

He explained further that shack was cod, and that the bait they formerly used, but this

AWARD OF THE FISHERY

would not catch fish as fresh bait would
bait will not catch fish equally as well

Was the shack salted?—A. Yes.

I believe you took a number of affidavits
along the coast of the Island of Newfoundland
—A. I did.

You are duly authorized to administer oaths.
Were your services retained by the Government
for the purpose of visiting the different
Islands and Bonavista Bay?—A. Yes.

For the purpose of eliciting information
respect to this inquiry.

Did you visit a great number of coves
between these two points to which you have
been?

Did you take a number of depositions
in each cove?—A. I cannot say.

Some in each cove?—A. I cannot say.
Generally along the coast?—A. Generally.

Were these depositions the result of
they were answers given to questions
Any prompting on your part as regards
did not prompt.

Why?—A. The people did not regard
as much interested in the matter as I
was to receive it.

Then these depositions contain the same
in reply to questions put by you?—A. Yes.

You were a member of the legislative
Council?

For several years?—A. Yes.

You are not so now?—A. I am not.

You have an intimate knowledge of the
fishery?—A. I have a general acquaintance.

Have you made an estimate from the
statistical information available to you of the
people of Newfoundland between Ramea
, and Quirpon, on the northeast point
of fish taken on that coast is from
year to year.

Judge Bennett has stated that he consi-
dered in taking that fish?—A. He has
said so. I have gone carefully into the
statistics, and I find 15,500 odd are engaged in
between these points.

That is, in taking fish?—A. In catching
nearly the number engaged.

You have calculated it most carefully?
I return and I find the number of fishermen
between Ramea Island and Quirpon

| | |
|----|----------------------------|
| at | Burges and L. Poile..... |
| | Fortune Bay..... |
| | Burin..... |
| | Placentia, St. Mary's..... |
| | Ferryland..... |
| | Twillingate Fogo..... |

| | |
|-------|--------|
| ..... | 1,463 |
| ..... | 1,484 |
| ..... | 844 |
| ..... | 333 |
| ..... | 668 |
| ..... | 613 |
| ..... | 80 |
| ..... | 565 |
| | <hr/> |
| | 15,524 |

: of the men fishing on the shore of each

e fish ?—A. The catchers do not cure the

of other people engaged in curing the

ate of what quantity of fish is taken on
age ?—A. I believe that the annual catch
with another, is about 400,000 quintals.
gaged there in catching fish ?—A. About
abrador coast.

in Newfoundland and then go down to
it of the season ?—A. Yes.

the number of persons who leave New-
bery every year ?—A. I could not make
occasionally happens that whole house-
of families—shut up their dwellings on
brador to spend the summer—the whole
tion to these a large number are engaged
—coopers and servants to work the fish-
nber.

out \$1,000,000 is a fair estimate of what
he coast of fish and fish products; what
at is a very fair estimate.

d above that ?—A. It is pretty nearly the
onclude there are 180,000 quintals of cod-
ntal, would amount to \$720,000. I con-
erring are used, which, at \$1 per barrel,
or bait, of which there is a very large
ural purposes, I believe there are \$165,000
' \$1,035,000. I think it is very correctly

after careful consideration and observa-
the habits of the people and surround-
it has been so made up.

ashington Treaty came into effect in New-
the United States to the privileges con-
l. It came into operation in July, 1871,
nor.

id proclaimed in Newfoundland ?—A. I
r 1874.

and 1873, or 1874, Americans enjoyed the
by the treaty, but Newfoundland did

not?—A. That is the case; 1st June, 1874, I think is the time the treaty was proclaimed in Newfoundland.

Q. Have you any knowledge of the amount of duties in that period, imposed upon Newfoundland imports into the United States as regards articles now free by the Treaty of Washington?—A. I have prepared a statement which shows the amount.

Q. Will you read it?—A. The statement is as follows:

Duties on exports, the produce of the fisheries, to the United States.

| | 1871. | | 1872. | | 1873. | | 1874. | | Total. | Duty. | Am't of duty. |
|-----------------------------------|--------------|---------------|--------------|---------------|--------------|---------------|--------------|---------------|------------|------------------|---------------|
| | <i>Qtls.</i> | <i>Dolls.</i> | <i>Qtls.</i> | <i>Dolls.</i> | <i>Qtls.</i> | <i>Dolls.</i> | <i>Qtls.</i> | <i>Dolls.</i> | | | <i>Dolls.</i> |
| Dry codfish | 4367 | 17470 | 8544 | 34176 | 9544 | 42194 | 4500 | 21372 | 36965 lbs. | 50c. p. 100 lbs. | \$13482.50 |
| Cove fish | | | | | 20 | 30 | 300 | 510 | 160 bria. | \$1.50 per bria. | 240.00 |
| Salmon (tierces) .. | 711 | 11724 | 1074 | 17184 | 635 | 10795 | 410 | 6154 | 4245 bria. | \$3.00 | 12735.00 |
| Herrings, pickled (barrels) | 15931 | 47794 | 19633 | 58957 | 25114 | 75342 | 4600 | 13800 | 65298 | \$1.00 | 65298.00 |
| Mackerel | 408 | 3664 | 344 | 1952 | 28 | 196 | | | 680 | \$2.00 | 1360.00 |
| Tongues, sounds .. | 30 | 30 | 279 | 279 | 108 | 108 | | | 16680 lbs. | 50c. per 100. | 83.40 |
| Halibut | | | | | 1848 | 3696 | 205 | 411 | 86961 lbs. | 50c. per 100. | 434.80 |
| Trout | 193 | 1544 | 1885 | 15080 | 405 | 1620 | 369 | 2956 | 3222 bria. | \$1.50 per bria. | 4833.00 |
| Cod oil (tons) | 277½ | 29575 | 342 | 47880 | 227 | 33060 | 238 | 3620 | 147715 | 30 per cent. | 25420.50 |
| Cod roes (barrels) .. | | | | | | | | | | | |
| Refined oil | 46 | 9200 | 198 | 39600 | 159 | 32595 | 204 | 4780 | 86175 | 40 per cent. | 34470.00 |
| Blubber | 5 | 80 | 11 | 176 | | | 1 | 16 | 274 | 30 per cent. | 82.20 |
| | | | | | | | | | | | 132185.50 |

Q. Now, can you give to this Commission an approximate estimate of the value of the bait obtained by the American Bank fishermen from the Newfoundland shore?—A. I estimate that there are about 500 vessels. I would not say the 700, as enumerated by some American captains, because that is speculative, but I think there are certainly 500, and I estimate 200 barrels to a vessel. The pay averages \$20 for the first baiting, and from \$15 to \$20 for the subsequent ones. The last is perhaps \$25. Well, on the average those vessels pay \$80 during the season for their bait. That is \$80 for each vessel. Five hundred vessels at \$80 give you \$40,000.

Q. That is your opinion as to the amount paid for the bait for the season?—A. Yes.

By Mr. Dana:

Q. That is for the Bank fishing?—A. Yes.

By Mr. Whiteway:

Q. Now, what would a corresponding quantity of bait cost, supposing it was brought by the American fishermen from the United States?

Mr. DANA. Is that without reference to its value in the market or its quality?

Mr. WHITEWAY. I am assuming the same quantity, quality, and description.

WITNESS. As to the quantity, I can speak. The same quantity, I am informed by American captains, would cost an average of \$6.00 per barrel. That would be \$600,000 it would cost in the United States. It would be equal to \$600,000 per annum that they would pay for the same quantity of bait for the Bank fishery.

Q. According to your estimate, it is \$40,000 now?—A. That is what I believe.

Q. Now state the difference between the quality of the bait the

they get on American coast?—A. They
 inland they would get fresh bait.
 ce between the two baits?—A. As re

nce between them as to carrying on the
 , very wide difference between the sal
 h will not eat the salt bait in the neigh
 s ascertained time after time by our peo
 , using the salt bait, they would catol

as to whether all those American ves
 t for bait enter at the custom-houses o
 es or not?—A. I am well informed tha
 om-houses. As a matter of fact, they do
 bly avoid it.

ie great majority of them pay light-dues
 ?—A. I am aware of the fact that th
 s that visit the coast for bait do not pay
 stom-houses, and do not enter their cod
 stom-houses as far as they can.

ted with the fisheries, have you made up
 profits of the business?—A. I have no
 etty well informed what the profits have
 ber of boats and supplied them in full
 ing was generally that one third of the
 onsider ourselves very badly off if opera
 and one-third per cent. clear of all ex

. the fisheries in every way, with every
 I have.

ve to an affidavit before you relative to
 profits?—A. He did.

ig on a very large business in Newfound
 ice, one of the largest if not the largest

s sworn to before you?—A. Yes; in m;

ed it thoroughly with him?—A. I hav

n that statement?—A. Yes; I think the
 is represented in his books. He made i

l accounts?—A. Yes; in my presence.
 al markets for Newfoundland codfish?
 et. Fully one-fourth of the whole catcl
 . of shore fish, that is between the point
 ween Cape Ray and Rameau.

e Ray to Quirpon?—A. Yes.

o Brazil, that is of your best cured fish
 ?—A. We have the Mediterranean mai
 for our bulk fish, and the West Indies
 er grades of fish.

:
 xoming in at certain five or six weeks c
 me why the caplin come in? Do the

AWARD OF TH

or what is the ca
een their spawn
Generally you

Dana :

whether you told
ot a native.
were you born ?—
ne to Newfoundla
s about 14, I thin
I went into some
merchant in Sai
erchant ?—A. Jo
firm ?—A. Of th
firm in existence
r many years did
w many years.

as nearly as yo
ears.

usiness were you
usiness was the fi
the fisheries.
y own boats then
y employed men

y employ men th
prosecute the fis
at.

y have a shippin
They had no ship

ped them himsel
ge dealers would
hem into the offic
ould be engaged
ly was it for the
in different places
s he shipped ?—

boat, not naming
was bound by th
ugh there might
hat. It is a ques
remember how it
m was he paid ?

balance struck b
Rennie, Stuart &
also supplied th
plied them with
lied them with t
-A. Well, that w
quired in that w

an of the necess
would be young

ed the boats?—A. The planters owned

Yes.

Renzie, Stuart & Co.?—A. No; they

ired did not own the boats?—A. No.
that owned the boats and that engaged
em into the office of the merchant?—A.

n who owned the boats and would en-
for the boats?—A. Whom?

not think he required pay for the boat.
o me to come up.

erstand that you are not to determine
be put or not.

nderstand the question.

r directly, without thinking of the con-
ll get along a great deal better. Now
the middleman?—A. Yes.

s by? What do they call him on the
nter.

r get paid for the use of his boat?—A.
ermen.

.. Sometimes he does and sometimes he

s?—A. It makes a great deal of differ-
an if he goes, to the extent of half his

n he gets half the catch?—A. Yes.

—A. He furnishes them.

cover all he furnishes?—A. Yes; it is
ss.

!—A. Yes.

!—A. He does—all the provisions for

nable provisions, what they eat and

. Yes, quite so.

ldleman? These planters, did you and
provisions for the voyage?—A. Yes.

id that came in and shipped—the men
ter and shipped?—A. They were paid

f their catch. If there were seven men
rteenth of the produce of the fish.

to them?—A. Everything for working
ar would of course be paid for by them-

all that was furnished by the middle-

say belonged to them?—A. One-half

nted separately?—A. Well, sometimes
e each man takes half what he himself

gether, or two or three do so?—A. Yes.

Q. But the result is the same, that if goes to the middleman or the b

Q. Then you sold to these fishermen life for their families, while they lived extent that is true, but the p rt.

Q. How do you mean?—A. He su

Q. That is, he bought it from the fi himself. There would be sometime 3 boats, and owning the boats.

Q. Suppose the planter does not k m the merchants; sometimes it is nes to the men.

Q. It was all credit?—A. For the

Q. It was all but universally cred iversally.

Q. Among the fishermen it is?—A Independent fishermen in Newfound

Q. Well, have you seen or heard 1 dge Bennett, and others?—A. I t

Q. If they should state that it wa ould it affect your opinion at all?— ore of the coast in particular locali quented the coast more than they

Q. What proportion of the fisher hole Island are employed in this n, who either himself or through ries of fishing?—A. I could not es

Q. Have you never tried?—A. No

Q. Have you never been asked t ver been asked.

Q. Are you willing to give your b rk that out from memory. A go ion. Sometimes the owner is in metimes his sons are in her and s ve to calculate the number of m into that.

Q. You say the planter goes himse lf and fishes with the other es he get for himself half what s share counts in. He would take s share of his own catch.

Q. To whose employ did you nex ceeded Wm. Grieve & Co., can eels.

Q. How long were you with them

Q. Were they engaged in the sa rt of business.

Q. With whom were you next?— cept one house, where I staid bu y when I first came to the country self.

Q. How many years ago did you out the exact date.—A. It is 25 y

Q. Then you have been in this bu

ther about 35 years?—A. Not quite as

lf?—A. I have not, except for pleasure.
hem.

mployed fishing?—A. No.

No, not as a fisherman.

is well acquainted with the mercantile
do.

been given. I hope you have been suc-

ood deal of money laid up by the mer-
bly employ, and that they cannot get
nd that to be so?—A. There is more
oy there in the fisheries. The nature
hat it ties them down pretty closely to
o not branch out into outside specula-

es to the fishing business, and there is
le of that?—A. Not in Newfoundland.
other places. Cannot they get their
—A. Well, they are largely connected
id have a second business there, the
nything about.

it?—A. Yes, it is very general.

em to have a good deal of capital laid
t in Newfoundland?—A. They do keep
in shares in the Union and Commercial

t on capital—that is, on good notes?—
te?

oney and pay interest. Take the case
he debt is paid.—A. Well, there is free-
es.

ite, but take the negotiable notes, sup-

that the note is well backed.—A. It is
um.

ee per cent. Is that so?—A. It is three
on deposit.

e about savings-bank deposits.—A. O,
er cent. on the securities you have men-

y it is no worse?—A. No lower, no.

they get six per cent. per annum?—A.
generally for three months, $1\frac{1}{2}$ per cent.

has been carried on between the mer-
ary long time, has it not?—A. Yes.

y complaints of the fishermen class that
capitalists and the mercantile class and

y wanted some further opening so that
No; as a rule we are entirely free from

There is a mutual sympathy between

any public documents to that effect?—

AWARD OF THE

on think the fisherman
than they would be

Well, they get advantage
be deprived of other
out as they are with
think it is an advantage
merchants, to whom
they can get and are
understand that.

Is it better for the
as described—to be
, or from whom the
en to them—than
is, foreigners that
paid cash for it?

Do you have that option
to have the option of
—it is injurious.

Very bad, is it? Say
it.—A. When I was
(the Race), I was informed
time, in that little
away from their fish
I so and engaged with
that the noise and the
cove—for it is a small
nids away, and the
squids are easily driven
it will drive the
and the effect of driving
for days. During a
no bait. There were
while the others were
that they had three
ers were supplying
them, while the average
than \$2 at the very
are in there yourself
opened the year before
and it from some of
my affidavit made of
be sure it is all correct
we no doubt the fish
to the fishermen their

They would not be
possible, between the
make a good bargain?
even with merchant
may he not make a
off to a pursuit which
or the little ready

sum is at the bottom
ad.

the merchants ?—A. No ; he could not

ld not get any rum or tobacco ! Why, ere but two or three years for this pur- tobacco before the Americans came ?— at are caught are in the hands of the t get half a quintal or a quarter of a ighed out to him or he is settled with. the time he goes out in the spring and t in the case of an independent fisher- t of a little ready money from the n.

n are kept from rum and tobacco by ny money or any fish to sell for them- gin and the settlement in October ?—A.

ns and money, and you think it is bad —A. I think it is bad for them to have

rho helps to get bait for the Americans acco ?—A. I could not say that.

fellow-citizens and countrymen are so they would get it by working for the l. They are all seamen, and they have

an, with a wife and family, who has a ass him with the men who rove around ve a large number who have no fami-

t one place ?—A. Well, the great ma-

take them as they are, deducting as o you mean to say that they are such rum and tobacco into an employment money and takes them away from an ve steady work, but cannot get their ?—A. I mean to say that they are in- ; that gives them a little money that is

to their having money, but to the use heir withdrawing from more lucrative

a service of those who own them ?—A. s of the men themselves.

e in one employ—that is, you have be- ars a certain relation to the fishermen.

you did not get some of the views that a are of opinion that it is bad for the ny other employment, no matter how ; say that.

ike them worse ?—A. No ; we have an 'ilt's Cove that drains off a large num- nine being worked at Bett's Cove by t Tilt Cove, of which Charles Fox Ben- roprietors. Bennett was a merchant ;

AWARD OF THE FISH

Now do you not think it is any
drawn from the regular fishing
is no disadvantage if he is a
nation.

Well, now, may not catching fish be
lucrative employment?—A. I am not
satisfied that it is not.

Your objection is that the employment
of it?—A. It is not lucrative.
Don't they make their own bargain?
Americans make the bargain then.

Do the Americans own them?
The men?—A. No; they simply
use them. They don't go with them then.

Well, is not that trade all the
time? Cannot the fishermen refuse?—
Is it not the same thing when
a slave or planter? Has he the
choice, if he is not suited, that he has?
—A. Certainly.

There are not so many of them.

They can always go to Saint John.
Can they go to Saint John's
only; there are thousands of
men in the fall to dispose of their fish.
Take the persons that supply
merchants to a considerable extent.
Now, in one place there may be
big supplies?—A. Yes.

What option have they there?
It may be a very considerable
one. It is not in the center of
communication between all the
points, continuous that the fishermen
or Grace from every part of the
Then, it comes to this, if there
is not a way to get supplies at a reasonable
price, he has to find his way to Saint John's to
buy. You consider that a greater
inconvenience of refusing the American
fisherman to another. Do you mean
more than where he can choose to
buy together?—A. Well, the Americans.
You spoke of 21 ships coming
in such a rivalry as to put the
market might be if there was a great
market. Well, then, the men would be
looking at it in that light, it is open
to them. The benefit does not occur.

How do you know?—A. I am
not sure I dare say you are. I don't
know how you are satisfied.
You sometimes have a very good

om the universal opinion of those practicing of this business.

. Some of those I refer to are interested in supplying bait to the Americans m. Even parties whose interests were it it is ruinous, and that it depletes the

depleting the bait; but do they think it have a chance of hiring his labor to working for the merchant or middleman ll, I can't name to you any persons that Newfoundland, or that this traffic is of s that you choose to name.

he fisherman, without regard to what he ie spends it for tobacco and rum or not— n is always the loser in working for the ch bait ?—A. I honestly believe they are

re an intelligent class of men ?—A. They not an educated class, if that is what you

It does not require an educated man to ave stated to you the inducement that ly cash to fritter away in things that are nselves.

without cash ?—A. They are better with- yady avocations.

r without ready cash ?—A. I think they

he Americans ?—A. What is paid for the ates against themselves, by rendering the putting a sword in the hands of others to d to injure them.

ng two employments injure his position ? is wages ?—A. It does if he neglects the se.

ntelligent ?—A. His intelligence does not f the things that fishermen will do. They they are taken up with strangers.

uld not have the ready money ?—A. It is ould not have it at a sacrifice.

ave or not to have the ready money, leav- with it ?—A. In this case it is better to ill have a larger sum by following the

etween May and October of charge for ce between what a man would pay who pay it obtaining his supplies on credit ?— figuring, for some goods are taxed more

I think 20 to 25 per cent. would be an

er to ?—A. I am speaking now of credit a.

By Mr. Dana :

Do you think it is better
x months than to have me
think it would be very me
him the full amount whic
ason to buy all his supp
y in this case that is give
Is it not the case where a
ce that he squanders it ?
oyage ?—A. Sometimes it
Is it not better for a worl
ily along than to buy his
t, and then at the end of t
is utterly unused to ?—A.

Don't go into that.—A. I
Well, whatever the ingre
out the question again.

y coming in to him at re
atever it may be, or havi
n, and in the mean time b
k it would be better to h
e end of the voyage, pr
up the industry in which
be ; and I think he will b
withdrawn by occasional
Well, that is the reason
he best for the fisherman.

—A. That is the reason I
f if it were not disturbed I
I do not suspect you of te
ou quite sure that your lo
not biased your mind in t
—A. I am strong in the b
ting the truth.

No doubt about that. Y
Now, the American tra
es.

It has not had its full dev
ed, and I suppose it will g
You are alarmed ?—A. T
Don't you share it with t
You believe the seining h
not know enough about it.
t find that it affects the f
That is done by your own
Well, take something tha
ican comes in for bait he
es.

The average is about a d
ed there. I think that is l
re than that.

Do you feel competent ?—
the Banks until he goes
But the time he is detai
he does is to buy bait, if
ld not be pure if kept an

small bights in the cove ?—

t ?—A. It depends upon the
by seining, large quantities.

Q.

price, he will do so ?—A. I

Q.

who has a boat he will em-
ll of a recent date ? Do you
American ?—A. Well, I do.
?—A. I do not think I used

is all essential to the prose-

ngaged in the Bank fishing ?
well established in Burke's
sland, but I mean the Bank
I know more about that than

ume on the fishery question :)
he number of American ves-
1,500 sail, manned by some
fish and 3,000 tons of oil."
ricans got their bait before
or the cod-fisheries, I mean ?
evolution, and from the time
it is, before they commenced
moralizing business—where

s are at home ?—A. I do not

Americans have been largely
ny years ?—A. I am willing

et bait ?—A. I believe, until

home ?—A. Only from what
ot now get a supply of bait

all quantity of salt bait ; and

—A. They come right down,

ait at home failed them just
tion ?—A. I think the bait-
and I think it was a strong

an from getting bait where
tively in the Bank fishery ?—
titor.

A. We have, as I stated.

re ?—A. Yes.

hing for them ?—A. The ex-

eriment will solve that, whether it is or n
rying it.

Q. Well, for the various reasons you ha
trongly hold that it is better for the men n
o have any competition between the mercl
ew set of employers on the other—that thi
arbors and bays for bait is injurious, and
ave the Americans coming into your har
be whole opposed to the treaty that auth
re you not?—A. That is a complicated qu
an exactly take it all in.

Q. You need not take any more than the
pposed to the treaty for the reasons state
light of the Americans to come in?—A. I
ider it a very happy deliverance to be rele

Q. Perhaps you would be willing to pay a
oney that is lying useless in Newfoundla
lring the Americans off?—A. We are on
etter turn.

Q. You told us that the Americans used
mall fish. You put them at 22 inches split
hey would have 250 quintals each vessel o
ish which was formerly thrown overboard,
oundlanders. That is, 250 quintals for eac
of them, I think, make two catches.

Q. You mean 250 for the voyage?—A. I

Q. Now you say they bring them into Ne

Q. They don't bring them all in?—A. T
they have told me so. I don't think they
he Banks.

Q. You think they bring in all that they
A. They bring in all they would otherwi
ave the advantage of that fish and the oil

Q. Do you think that market is any disa
chance they have of buying these small fish
out of them? Do you think that is a disa

A. No; except that it goes into competition

Q. Then you are opposed to competition
ny person would like to have too much co

Q. Well, do you think this is too much?
an't say it has had a bad effect, except in

Q. Was there any competition in these s
hing, is it not? Where is the competitio
go into competition with their own catch,
nands of other countries. Instead of bein
anders it is caught by the Americans, and t
he man who buys and the man who catche

Q. Is not that generally the case, that th
o make something and the man who buy
hing? If both make something, is not th
o; but you see our people have nothing to
here is small fish caught among ourselves,
atching it.

Q. Do you think the industry of your pe
A. It has, to the extent I tell you; this w
nands of other markets.

gives employment to your people ?—
among the people.
fraction of the benefit goes, of course ;

action.—A. They get the whole.
of bringing it in and handling it?—A.
so that the only outlay is the manual

uld be competition in it very soon, if it
; that all the American bankers will
Newfoundland.
y of it?—A. They have of the Bank

try to undersell another, if he could ?
will be the cost of the fish ?—A. Well,
an average price. They know what it
give pretty nearly the value of it.
ing from the ocean what was lost and
an injury ?—A. I say it is a very great
we ourselves naturally benefit a little.
ople ?—A. It is a very small benefit.
they did not make money ?—A. I sup-

island ?—A. Yes.
only large ones ?—A. There are jury
There are jury trials in other cases
tion.
, &c. ? For chewing tobacco or drink-

ry matters of contract are causes that
are.
Labrador, do they go under the same
?—A. Very much the same.
of the bait which the Americans buy
\$40,000 a year, do you not ?—A. Yes.
as a new industry of some importance
an important item if it stood by itself,

considerations destroy its value ?—A.
fishermen from a steady employment.
abolished, steady relation between those
middlemen is broken up ?—A. It in-
tion of the fisheries.
at they have been prosecuted in one
and this interferes ?—A. Yes; it with-

ude the trade in frozen herring ?—A.

herring a good business ?—A. It is by
actions with Newfoundland.
er to the Newfoundland people ?—A.
with it.

d to say it was ?—A. If I were a sup-
have the benefit of it. I do not know
y but supply them with bait to come
ust understand that the cod-fishery is

our only industry, and we look upon you have for your industries, which

Q. Then there is nothing that ha generally in the way of the purchase anything of the kind which, in you rary, it has been an injury?—A. I t permanent loss.

Q. Can you give us an estimate o the French from Newfoundland?— the French will average between for nency.

Q. Do you think that an injury? the extent that the other does, becaus and the proof of that is that a Fren close to St. John's harbor. She i alongside of the fresh bait of the A like to have the same privilege t They buy it fresh, but put it down a

Q. Still they make their fisheries the aid from government?—A. I an of their fishery.

Q. Then this is not any advantag disadvantage, you would say?—A. .

By Mr. Whiteway :

Q. You say you have had a Fren she could not use salt bait alongsid the fresh bait?—A. Yes.

Q. How did the people in the loca self?—A. They rose up and drove l St. John's Harbor.

Q. With regard to the rate of inter per annum, you say, is the ordina Yes.

Q. What is the rate paid in the s It is 3 per cent., and in the others t

Q. Are there not very large sums There are in the savings banks, and

Q. In the Union and Commercial

Q. Are there not large sums dep all?—A. Yes; that I know is the ca

Q. Now, to whom does the great bank, to the operative population.

Q. Does not a comparatively smal A. Yes; in the savings banks; I am the others.

Q. Well, now, is there not general the employer and the employed in . ways is.

Q. There is mutual and implicit cor erally.

Q. You have heard of none of th place between the laborers and the No; nothing of the sort.

No. 18.

THURSDAY, August 16.

isbury, Inverness County, Cape Breton,
as called on behalf of the Government
and examined.

rkisbury ?—Answer. In the Island of
of of the Strait of Canso.
length of time ?—A. I was born there.
the fisheries ?—A. I have.

Upwards of 25 or 30 years, more or

as a merchant ?—A. I have been fish-
it 10 or 15 years out of that.

ou have been engaged as a merchant,

fish, but not a practical fisherman lat-

ican vessels or solely in British bot-
in American vessels altogether.

go fishing ?—A. I think it was in 1845.

did you prosecute in that year ?—A. I

In the year of 1846 I went in a mack-

The Seaflower.

A. 50 tons.

ne ?—A. Captain Furbush, Alonzo Fur-

merican or British waters ?—A. British.

A. I went about the 1st of July.

from ?—A. Newburyport.

make ?—A. We generally made two

In the first part of the trip we would go
ast Point, Prince Edward Island, and
rom that to Bonaventure. No further
er part of the trip we would fish off

ke that first trip you made ?—A. From
exactly to a barrel. We were always

y.

ith reference to the shore line ? What
e three miles, and what proportion out-
e catch of the first trip was taken in-
shore.

ll the spring mackerel is it ?—A. Yea.

of the year ?—A. I went home after the
Newburyport. I came back again the
island coast.

and ?—A. Yes.

his last trip ?—A. The same quantity.
e number of barrels.

Yes.

Q. Now, speaking with regard to this autumn trip, where were those fish taken?—A. North Cape. We never went as far.

Q. What proportion caught in the second trip?—A. They were all taken inshore. You can see that in the fall.

Q. Are the autumn mackerel much finer than the spring?—A. They are fat mackerel, of course.

Q. Did you catch any off Magdalen Island?

Q. You have been a good many years on the Magdalen Island coast?—A.

Q. Can you explain the reason?—A. A stormy place that we never cared to go, and we did go. We lost a good many anchors there.

Q. Coming down to 1847, what vessel did you have?—A. Lower again.

Q. How many trips did you make?—A. Two trips.

Q. You got a fare each trip?—A. Yes; that is near it; I cannot recollect now.

Q. And with reference to the places where they were taken, was it the same as the year before?—A. Yes, the same grounds. We considered that we could depend on the captain was well posted on those grounds.

Q. In preference to Bay Chaleurs and so on?

Q. The proportions of the catch inside the bay?—A. Yes, the same as in the previous year?—A. Yes, the same. In the fall of the year without being in the bay. In the spring, for the first part of the year, when the fish are coming. We go there and catch them inshore.

Q. Do you wish to make the same statement, that half of the first trip were got inside—that is, of the spring trip?—A. Yes.

Q. And that nearly the whole of the second trip was in the bay?—A. Yes, it is always so.

Q. In 1848 what vessel were you in?—A.

Q. No; that was in 1847. Were you in the Eagle?—A. Yes; I was in the Eagle, of East Machias.

Q. In the State of Maine?—A. Yes.

Q. What was her tonnage?—A. She was 100 tons, I suppose.

Q. What was the master's name?—A.

Q. How many trips did you make in 1847?

Q. Were you solely for mackerel?—A. No, for other fish.

Q. What was your catch?—A. We got about 120 or 130 barrels of mackerel.

Q. Where were they caught?—A. We caught them on Prince Edward Island. We used to anchor in Campbell's Cove.

Q. Where is that?—A. It is on the north side of the island.

Q. Where did you take the 120 barrels of mackerel?—A. We took them around East Point, P. E. Island.

Yes; you can't catch any mackerel off-
 the idea how far from the shore these
 were taken from a half a mile to a mile

!—A. Yes.

you go in ?—A. The Cypress.

A. Captain Furbush. She was from

ake ?—A. Two.

each trip ?—A. We had somewhere
 it was a little larger vessel than the Sea

same question for each voyage, but were
 d outside the same as before, or was
 was no difference in those vessels. We
 h a very lucky captain.

ference to the distance from the shore.
 always followed the same grounds. In
 ou can go to, except those.

with reference to the proportions of
 mile limit and those taken in the open
 the same ?—A. The very same. We
 little off shore, to catch them as they
 of the first trip was off shore, and the

as to all trips ?—A. Yes.

-A. I was in the Cypress, too, the same

ake ?—A. Two trips.

The same result.

aces and proportions ?—A. Yes.

Cypress.

east gale, the Yankee gale, so called ?—

—A. No. My brother was lost on the
 vessel, too.

ake ?—A. Two.

The first trip we had obtained the same
 e did not get quite so many, on account

for it ?—A. Well, the water was dis-
 the gale, and our captain, with a great
 iling. We went home, having caught
 re that.

I you go ?—A. I was in the schooner

A. 150 or 120 tons; somewhere there.

. Captain Furbush; the same man.

ake in her ?—A. One trip.

ot very good.

-A. We did not get more than 300 bar-

ibute the bad fare that year ?—A. The
 ate man, but commenced to drink the
 the harbors most of the time.

Q. It was not owing to the absence of the end to it.

Q. Of those 300 barrels, what proportion was it a portion off shore. We were early in it.

Q. What proportion did you get inside?—If off shore that trip.

Q. Did you go in 1853?—A. I did not go in 1853, I was fishing in one of our own vessels.

Q. In the bay?—A. Yes.

Q. What was the result?—A. I did several weeks out and got 200 barrels.

Q. Where did you catch them?—A. Around Point. I caught them altogether at Point.

Q. Was that a good year, 1854?—A. That was.

Q. I mean the year 1853?—A. Yes.

Q. In 1854 where were you?—A. In 1854 I was fishing in that year. I was not fishing; I was.

Q. Did you go afterwards fishing in 1855, a trip in the American vessel Kusseta?

Q. What was her tonnage?—A. Ninety tons.

Q. How many trips did you make in her?—A. Only.

Q. Had she been in the spring trip?—A. No; she was fishing cod. She only made one more trip.

Q. What did you catch?—A. We were not successful. We got about 160 barrels.

Q. Where?—A. At Aspy Bay, Cape North.

Q. Where is that?—A. That is at the mouth of the bay inside of St. Paul's Island.

Q. Were the fish plenty there?—A. Yes; we had 200 only that it got calm on the bay.

Q. Is it a small bay?—A. Yes.

Q. Were there many other vessels there?—A. Not many. We went on Sunday evening and when we went in there were only 5 or 6 sail or 40.

Q. How did they do?—A. They all did well; we did; we went right home then. We did not.

Q. That brings you down to 1856. Did you go in vessels?—A. No; that was the last trip.

Q. Generally with reference to these years, covering a period of ten years, what was the American fleet frequenting the bay during that time?—A. A large fleet; that is, they grew larger every year. The average number would be 600, between 500 and 700 sail in Port Hood at a time. It was like that.

Q. Had you good opportunities of seeing a large fleet?—A. Yes; we could not help seeing them.

Q. Did you converse much with different vessels for information as to the catches you made?—A. Yes; aboard one another to find where they were, and the run of the mackerel, and all that.

Q. Had you a fair opportunity of judging of the number of vessels?—A. I had.

Q. Give the Commission the average catch.

whole ten years, if you please?—A. I was
ys got a fare. I suppose there were larger
ger quantity, but in my opinion the average
aking the small and the large vessels; tak-
those that did not, I feel that I am within

larger vessels; would they make larger
000 barrels; some large vessels that came
would have 1,000 or perhaps 1,100 barrels.
te opinion as to the proportion taken within
ntity taken? What would you say?—A.

fish caught in the bay, what proportion
in the three miles, and what proportion
e spring and fall catch together?—A. My
hs were caught inshore. For half of the
e off shore, and they do catch them off shore,
e-fourths of the fish are taken inshore. I
e; you cannot catch them anywhere else.
leet of boats in Cape Breton?—A. Quite a

you, approximately?—A. I suppose, taking
George around the different banks to Cape

by these boats, where are they made with
—A. They cannot be taken outside; the
kerel are taken right in. All the boat fish-

you; what vessel were you in, or what were
1856 I was coasting.

since then?—A. I have been fishing in my

in 1858, I think it was, I was in a schooner
chi, mackerel fishing. A company built a
t for me to the strait to go in her. I took
—from there.

that?—A. We got about 300 barrels.

r a small one?—A. It was not very large;
ns.

y other time?—A. I was there in my own

with another, give us a general idea what
?—A. I did not prosecute it for the season
in the fall of the year.

our own vessel and gave one year to the
first go when the mackerel got fat in the

verage result?—A. I did well. She was a
, and I would make 200 or 250 barrels of
eeks. I recollect getting in one trip 250
ere we had to anchor all the time. That
venture. It is a little inlet to the northwest

at?—A. I think it was in 1865.

g from 1865 down?—A. Occasionally.

Down to 1869.

Q. Covering that period of time, from 18 the average number of the American fleet fr keep up to the average?—A. O, yes; it large were very fine vessels.

Q. You have given the average up to 1856 to 1869 you say it materially increased?—A.

Q. That is your judgment from mixing They were vessels of larger tonnage.

Q. Do you wish to state that the vessels nage, and also that they came in increases the number of the fleet and the size of the v we would know that, because it was very hard a heavy fleet. They would lee-bow us whee catching, but of course we would try to lee-b do so; though it was hard work.

Q. You found they were masters of the s marck, that I had, was a fine vessel. I had work.

Q. You had to play the same game?—A.

Q. What would the average catch of the of years, from 1856 to 1869?—A. I suppose somewhere about 600 or 700 barrels.

Q. Per vessel?—A. Yes. Some of them

Q. Has there been any change in the loc have been taken; that is, have they been cl O, no; the same places. They are catchin localities.

Q. How are the proportions inside and more inshore, I think. I know they are not reason.

Q. Well, in 1869 did you give up actual fi

Q. Since that what have you been doing?

Q. You have resided since then at the Gut

Q. Have you had opportunities of seein passing?—A. Yes. Every day we see the door of the place where I live.

Q. Can you give us, from 1869 down, what been?—A. From what I can estimate, I woe 600 to 700 sail; somewhere along there.

Q. Do they keep up, or have they decre many last year.

Q. Were there many in 1875?—A. No, no

Q. In 1873?—A. There was quite a large

Q. Did the average keep up to that time

Q. How was it in 1874?—A. Well, there 1874.

Q. Well, was there a pretty fair number? suppose.

Q. In 1875 and 1876 I understood you to

Q. To what extent?—A. Usually, I supp of that, particularly the last year.

Q. Has this depression continued during are the indications?—A. There is quite a When I left home last Mouday they were a in all directions; and in conversation with told that there is quite a large fleet coming

strait, you mean the Strait of Canso, be
Scotia?—A. Yes.

Y something about having conversed with
w several this season, and they tell me
saw them coming every day.

number now anchoring about all the coves?—
they are acquainted. These people form
or in the different localities where they

of the vessels, are they of small or large
ge tonnage, the best vessels I have seen
e seiners. I saw some with two seines
seine-fishing prosecuted?—A. Yes.

the fisheries?—A. Well, we don't look
all. We don't think anything of it.

the fisheries or not? Does it destroy any
and from what I have conversed with the
more particularly, they told me that they
s a seine; they would do better and make
stroys the young fish, and they get no
they say.

u refer to?—A. Yes, sir. They have never
Chaleurs with them, because they can't
water.

p water?—A. Well, the fish are not there
at there was an American schooner came
short depth for shallow water. I don't

made shallower to take the fish in the
nderstood he was sending home for one
ding some years about the Gut of Canso.
what extent the transshipping of fish is
is transship to any extent of late years?—

w of this.—A. I was not in the business
re now, I have seen the wharf so piled full
ot get upon it, waiting for the steamers
se vessels could not take them all, and
). They were all anxious to get them on
igh prices.

ight mackerel?—A. Yes, all. Then there
vessels shipping on the other side as fast
cable roused me out of bed with an offer
Americans to go home with their fish

en you speak of the other side?—A. I
ait. I am on the eastern side.

rge quantity being on the wharf, what do
a.—A. I consider that 7,000 or 8,000 barrels
high, waiting for steamers every week to
quantity for our locality, which is only a

of that traffic?—A. I have not been very

AWARD OF THE FISHERY

; in it. I don't know about my part.
e much riches yet.

. Is it or is it not beneficial, this traffic
would employ our own resources I think
. What is the practical result to the men
ey or lost?—A. They have lost money.
eat deal into it. On the other side, partic
ed. Our men would have nothing to do

By Mr. Foster:

. What is the harbor on the other side
re, Pirate Cove, and Steep Creek.

By Mr. Davies:

. Is it an extensive trade?—A. Not very
they would not do but very little. V
s of poor men sell their cord-wood and th
those that go in their own boats and fi
se who sell the wood.

. You have been engaged in the cod fis
g about it, I suppose?—A. Yes; a little
. What is the number of the American fi
in average?—A. I am not so very well v
what I would see I should suppose betw
dred sail.

. Well, has there been any appreciable
?—A. I think not.

. Where do they prosecute the fishery?—
ward, and what they call the shore, off
. And off Prince Edward Island and M
. This is what you call the bay?—A. W
you leave the northern entrance of the G
. You say a fleet of two hundred and th
mented this bay yearly?—A. Yes; that

. Where do they catch bait or get bait?—
od deal of bait on board the vessels—th
y the Cape Ann fishermen get a good de

. They buy bait and ice?—A. We have
. Is ice a necessary article in the fishing
eeps the bait fresh. It is very necess
rers. You cannot fish with trawls unles
g that will remain on the hook; clams co
now of now are the squid; they are toug
. Now, with reference to squid alone, d
ishing or do they purchase it?—A. Both
. Is that within your knowlege?—A.
in our harbor fishing for themselves. T
ort Hawkesbury. There was none sold.
west did the same.

. These are best bait?—A. Yes; we ha
it three weeks ago getting bait to car
I don't know what quantity he did g

. Have you ever known any of the Briti
prosecute the fishery on the American

some report of one this summer. I neve

here yourself?—A. No.

mission some idea of the quantity of squid
of those fishermen in a day?—A. The Oliv
I, I think, during two nights. He got all h
chooners also, of which I don't remember the
ity-five to thirty barrels. I saw them.

ent for the trip?—A. Yes.

in two nights? Now, when you speak o
y do you mean? Of course you can only
w many codfish would that quantity of bai
. Well, they would catch about 400 quintals
it get bait, like those I have referred to, an

That is, they take their fish home fresh
don't care so much about the quantity the
fare quickly and go home with it.

out to put is almost superfluous. Suppos
es to ourselves, and excluded the American
your opinion, as a practical man of 30 years
merican fisherman engage in the open-sea fish
A. I don't think they would come to the ba

about it?—A. I have no doubt, not the leas
prosecute it at all.

om the land?—A. The reason I think that i
can vessel at the time the cutters were here
e to get them then.

ucceed in keeping you out?—A. They drov
three times.

et they did not keep you out?—A. We woul
, we would find out when she went away to
run in then. We knew she would be 4 or
ng there with a very large fleet off Shippegan
ery well the day before, and we thought w
y. We were watching very anxiously for th
t coming up the bay we got under weigh a
aught every one of us inshore. Four or fiv
the fleet remained stationary. We watche
what the steamer would do. She was a fin
got abreast of the steamer a gun was fired
and another gun was fired, still she did no
l. We then expected to see a ball, and a bal
ht them to. Every one of us had to pass up

When we came along the captain knew us
are here again; what brought you here?
re a sick man on board." "There are no sic
' said he. "This is the third time you hav
ou here again I will seize you." We went o
y more.

here else?—A. Well, you see around Princ
ty hard to keep us off. We can get unde
lge around, but in the Bay Chaleurs it is di

then, you did evade the cutters and get in i

pite of them ?—A. Of course we did. We
ay.

Q. If you had not got in you would not have
r.

By Mr. Foster :

Q. What year was it that you had so much to
do. I don't recollect the year altogether. It was
and Basilisk were in and those steamers.

Q. What vessel were you in ?—A. I was in

Q. Was that a Newburyport vessel ?—A. Yes

Q. Now, you were speaking of the number
that you were in the habit of seeing in the gulf

Q. You think there were 200 or 300 of them

Q. Are there as many as that this year ?—A.
number this year.

Q. Are they principally engaged catching
hose in the gulf ?—A. A great many of them
essels are.

Q. Perhaps you know about the Gloucester
Houcester vessels come for codfish in St. Lawrence
suppose there were perhaps 100 sail of Gloucester
in the bay, and then there are more that go

Q. Whereabouts can they take squid in the
large quantity at Hawkesbury, and follow the
long there.

Q. How do they catch them ?—A. With the

Q. Do they seine them ashore ?—A. No.

Q. You said something about the traffic carrying,
which you think has not been, on the coast.
How many establishments have you
here ?—A. Well there are only three establish-

Q. What are those ?—A. There are two Pair

Q. Those are pretty large establishments ?—

Q. What do they sell ?—A. They are general
thing.

Q. What do you include in that ?—A. Salt,
groceries, and everything like that.

Q. Bait ?—A. They do—but not much bait.
ait on our side.

Q. Do they sell ice ?—A. Yes ; we have two

Q. How long have you had those ?—A. Not
this year principally.

Q. Has Port Hawkesbury kept up as much
as it has gone off to other places ?—A. We
made. It was on the other side.

Q. Where is Guysboro ?—A. Guysboro is about
bury, at the head of Chedabucto Bay.

Q. On which side ?—A. It is on the south
side, between Cape Canso and the entrance.

Q. Was there a good deal done there in the
link not. They go into Crow Harbor and the
understand.

Q. Do they buy it ?—A. Yes, and catch it too
so certain about their catching it. I know
so when there is occasion, or when they can

1. They buy most just there.
 down an American cod fisherman to
 ts!—A. Not very long; 3 or 4 days, 2

long as that!—A. Yes. I have tele-
here were other places for them to get

there?—A. Caught or bought.
Wkesbury engaged in the business of
—A. No, none.
the Gloucester papers?—A. They ad-

they advertise sometimes as supplying them do, I think. I sell to them myself. I—the general requirements—all they they want.

L. Yes.
Gloucester papers ?—A. Not this sum-

e Cape Ann Advertiser.
ports. By the way, what is the popu-
Five or six hundred, I suppose.
are there?—A. There are three estab-
is there.

as you do?—A. Yes; they do more, per-
states too?—A. I think one firm does,
the business. Don't you get enough, or
even you throw the profits down?—A.
ion.

on the different ports?—A. Yes; it has

—A. There is Port Mulgrave right opposite. About a mile and a half.

Port Mulgrave?—A. Four or five hundred are there engaged there in furnishing hermen?—A. There are but two now, I

F. C. Cooke and Michael Keating & Co
 igs you do?—A. Yes.
 ce at Port Mulgrave.
 -A. They do.

the strait that furnishes the Americans,—

—A. It is very small. It is just a cove here, and one store.

A. He has been in that trade too.
; but he sells bait.
Yes; they send over to our side for ice

Q. What is the name of the man?—A. Jonathan Hartly.

Q. Now, give us another dealer.—A. There is John Maguire, of Steep Creek.

Q. How large a place is that?—A. About the same as Pirate Cove. There are one or two families. There is one man in that business.

Q. Is there any other business carried on there?—A. There is another man alongside of him.

Q. Does he keep the same sort of establishment?—A. No. He sells little groceries and things like that.

Q. I suppose he will sell those to the Americans?—A. Yes; he keeps liquor, too.

Q. I suppose he does not even refuse that to the Americans?—A. No; I do not suppose he would refuse it to any one. I forgot to mention Mr. William Wyld, in Wyld's Cove, who has been doing a little.

Q. Does he keep all these various things?—A. No; not so much this year.

Q. Does he have ice?—A. No.

Q. What is the reason, then, so little is sold now?—A. The times are hard and the fishermen do not want so many things.

Q. The business is affected by the dullness of the times?—A. Yes.

Q. Give us another place?—A. There is Port Hastings.

Q. How large a place is that?—A. It has 300 or 400 inhabitants.

Q. How many establishments are there there supplying Americans?—A. There is but one.

Q. Whose is that?—A. It has changed hands several times. It was James G. McKean. He did the largest business with the American fishermen while he was there.

Q. Who succeeded him?—A. George C. Lawrence.

Q. He is considerable of a person, is he not? He is a commission merchant, ship's broker, Lloyd's agent, notary public, and receiver of wrecks. He deals in all these various things you have mentioned, does he not?—A. To a very large extent.

Q. (Reads from list of articles advertised in Cape Ann Advertiser. Does he engage in all that?—A. Well, he has a large quantity of ice, but you could hardly get anything else.

Q. Why does he advertise all those things if he has not them?—A. Sometimes they come around bothering us to get them a yard or two sometimes.

Q. He is a second-rate kind of fellow from that account.—A. Yes; that is our idea of him.

Q. Is there anybody else at Port Hastings?—A. No.

Q. Go to any other place you remember.—A. That is all, I think, in the Strait of Canso.

Q. Whitehead, where is that?—A. It is fifteen miles westward of Cape Canso. It is on the Nova Scotia side, on the Atlantic coast.

Q. How large a place is that?—A. There are not very many inhabitants.

Q. How much business do they do?—A. I don't know that they do any business, except that I think they have ice.

Q. (Reads advertisement as follows: "Bait! Bait! Bait! Ice! Ice! Ice! Put up for American and Dominion Fishermen, at White Head N. S., and will be sold at the lowest market prices. Vessels will also be supplied with bait on liberal terms. Drafts taken on owners. For information call at the post-office at White Head.—James H. Feltmate & Sons.") Don't they do a pretty lively trade?—A. They do in ice and bait. That is all I know they can do it in. The bait amounts

often give the Americans \$100 in cash
' hard on us to get that much cash.

!—A. Sometimes we don't charge them

nature?—A. Yes; out of cutting into
ourselves.

be that in that vicinity, looking to the
your own people are going into this

many to make money as rapidly as you
ing it.

too few Americans?—A. No; that is
them. It is a mushroom affair. We
ped off.

ties to the fact that they used to come,
o come now?—A. Yes, I think so; but
me.

t, senior, he cashes drafts, too, at Port
ey are good.

think bad?—A. I have done it.

A. Well, I did not know.

he places you thought of? Where is
5 miles eastward of Whitehead. It is

is there?—A. They do considerable.

ere are 700 or 800 there, I suppose.

are engaged in supplying the Ameri-
-Cahoon, Hart, and Whitman.

n, isn't he?—A. He does considerable.

llows: "ice! ice! ice!—The subscriber
is heavy, clear ice; also fishing supplies,
Hart, Cape Canso, Nova Scotia.") Is

may

se.

Scotia?—A. It is outside of Halifax,

they would strike, off the coast?—A.

t?—A. I can't say much about that. I

Christian, Prospect?—A. I have heard

e following advertisement: "Ice! ice!
—I am prepared to supply ice, bait,
res to vessels as usual. Currency or
ssels, having small fish or haddock to
interest to call on me before selling else-
ect, N. S."?—A. I am not acquainted
ie people. I know the harbors pretty

nerally get the bait which they sell?—
the coast.

es.

barrels?—A. No.

Q. What bait is there advertised for sale it.

Q. Does not that come from the States from thence.

Q. Do your people import pogies and sell them?—A. We sometimes do, and perhaps we may sell them to the Americans in surety until the pogies are not paid when they go home.

Q. Do you do this under compulsion?—A. If the pogies are not paid, we are glad to obtain them.

Q. Can you not hold their vessels for the pogies?—A. We do that.

Q. Is there no bait which they themselves take?—A. The Americans very often buy our bait.

Q. Do they take them to the States?—A. Yes.

Q. For what purpose?—A. To catch mackerel.

Q. Do they use fat herring for bait?—A. Yes.

Q. Do your people collect and salt squids?

Q. When squids are taken, I believe that they are put up in ice and kept fresh.

Q. They are kept frozen?—A. Yes.

Q. Do they keep a supply of them on hand?—A. However, that this is done in Newfoundland.

Q. How much of these supplies are sold, or sent to American vessels; how much does it cost for another voyage in your ports?—A. I do not know.

Q. Do they want barrels and salt; these are the principal articles?—A. Yes.

Q. Can you give an estimate regarding the value of all.

Q. Do they buy flour?—A. They generally do, but they will want butter and sugar.

Q. Will they have enough pork and molasses on hand?—A. My experience regarding a schooner at my wharf, was this: she took two schooners.

Q. She had a sufficiency on hand?—A. I do not know.

Q. The supplies furnished do not amount to much?—A. Yes.

Q. I suppose they are not so liberal when they are out fishing?—A. No.

Q. This is one of the troubles in this region?—A. Yes.

Q. When the business was good and thriving, as they sometimes say, did they not buy more?—A. I suspect that they did.

Q. Was that not within your own knowledge?—A. Yes.

Q. They then bought fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

Q. They are not the people to buy fresh provisions?—A. Yes.

that so many people engage in the business once?—A. There are not very many Mulgrave when three or four carried it

d.

The American trade.

It was the cause?—A. It was due to their and the consequent reduction in prices. One store to another and say, "If you will," and thus they secured reductions

suppose?—A. Yes, a trader would say, "I am the windward of me," and comply, except the following year, but then they would say this is the way in which they have managed

a mistake for your people to go into this

like that mistake at Guysborough?—A. I have not engaged in the business. The Americans never engaged in the American trade. I have a lot of Canso who have much money. I am selling supplies, &c., for sale?—A. Of course, so engaged in business, supplying our

the benefit of your fishermen in the market?—A. I advertise merely for the sake of selling

A. The inducement held out in that

the trade?—A. No. One of the Painters is engaged with the Americans. He has said to me when he has touched this business at all, I have nothing to do with it.

Are there things that you think your people sell to the Americans?—A. No. I have always had those articles in stock.

Do you sell to the Americans?—A. No.

Is the following advertisement:

Nova Scotia (Dominion of Canada), manufacturers of slightly tarred or white, of any size or length

ropes can be supplied in Halifax more quickly, and the attention of outfitters is solicited to supply new hawsers.

Dartmouth Rope-work Co.'s make.

Manilla cordage in stock are made to order.

77.

paper, with the exception of bait, here I do not know about that.

For fishing purposes are cheaper here than in other parts?—A. I do not know that this is the case.

Do vessels here from 25 to 40 per cent. more?—A. I believe so.

Is that enters into the equipment of a vessel here, such as ropes, and spars, and

AWARD OF THE FISHERY

s, and lines, and everything of that some extent.

All these things are cheaper here?—
Paper.

Do you know the collector at Port Murray?

Do you know whether he is coming

Will you tell me, if you can, what is that come through the Strait of Canby goes somewhere in the Strait of Canby. Birds of them do so, when mackerel are scarce, they do not. When mackerel are scarce, they do not. This has not been the case within the last two years than previously in the year. I do not know that mackerel have been caught a good many on the river two, and that is something exceptional. This is the reason why they did not catch as formerly.

Do you happen to know how they have been catching so many now?—A. Yes; if the fish show that is the reason why they fish so much last year, yes.

What trouble used to be that they would have caught them in seines.

With the purse seine they can catch fish or not?—A. Yes; if the fish show that is the reason why they fish so much last year, yes.

That is the reason for the growing decrease of vessels that come up here?—A. For the most part. You think that three-quarters or two-thirds are at the Gut of Canby?—A. About that. What proportion of them refit?—A. About one-third refit partially.

And wherever they do so they have to employ people?—A. Of course.

Then whenever the fishing business is revived it must thus be furnished?—A. This was the case.

And if too many of your people go in?—A. Yes.

You once went cod-fishing in an American?

Did you make more than one trip there?—A. Yes. In what Banks did you fish?—A. Banks.

By Mr. Davies :

Will you kindly state of what the outfit generally consists?—A. Of bait, hooks, and lines.

Do the fishermen on board get out good many men down at our place?—A. Yes. They obtained at lower rates than is the case elsewhere. These men take outfittings to a certain

has occasioned by the whole American
in a fair remuneration to the houses in

ould be made out of this refitting and fur-
ould not be more than sufficient for two
not for the other trade we have, it would
ppose that 150 or more sail have gone
I left quite a number of the American
e shore at different places, and out of all
did anything on our side in the way of fit-

eat deal of decrease as apparent in our
ries greatly decreased? Do you call the
from those of previous years?—A. No.
is year's prospects?—A. It is going to be
re excellent.

on the American coast this year, judging
I have received from American captains?—
as there is no fishing on their coast at all
me the other day that if they did not get
whole of the fleet would come up here.
ot be a repetition of 1875 and 1876?—A.

ve to come to our waters for fish?—A. If
American coast, they must.

er of questions about Prospect Bay, and
you did not seem to give accurate infor-
g about it at all?—A. I know that there

quaintance with the trade of its people?—

e?—A. I have passed there and just know

wledge of its people or trade beyond the
ch a bay?—A. I have heard of Christian,

now anything about Prospect Bay?—A.

red about Lawrence, in Port Mulgrave; is
A. Yes.

or many years in the American trade?—

nkrupt?—A. About three years ago.
se advertisement was read, is his succes-

the American consul there?—A. He is so

the American trade?—A. He did a great
all to himself.

krupcy. You spoke of the effect of this
give the Commission an idea as to what
secution of the Bay fishery by the Ameri-
prosperity and the prosperity of the town of
o be the chief outfitting port? Has it
ade or been prejudiced?—A. I think that

they have very largely prospered by it. Of course, of the class of vessels they have.

Q. Have you a pretty intimate knowledge concerning them?—A. I have, indeed. We can tell a Gloucester vessel.

They are of a different style from most others. Compared to the United States Gloucester was a small place now. They own a great many vessels themselves, and have frequented the Bay of Chaleurs. They have prospered by it, since they have such a large number of vessels.

Q. One witness said that Gloucester had been doing a great business; is that your opinion?—A. Of course. They do some other business, but their principal business is mackerel fishing, in the greater part. These fine schooners years ago in the cod-fishing were engaged in the prosecution of the mackerel fishing in the Chaleurs.

By Mr. Foster:

Q. You do not happen to know how the number of Gloucester vessels compares with the number they held some years ago?—A. I think that the number is about the same.

Q. Has the number not fallen off one quarter?

Q. How recently were you there?—A. I was there some years ago.

Q. Seven years ago?—A. Yes; but we see that they are in continual communication with them.

No. 19.

JAMES MCKAY, deputy inspector of pickled fish, was called on behalf of the Government of England and examined.

By Mr. Thomson:

Question. What is your occupation?—Answer. I have been all my life-time engaged in fishing; but for the last few years I have been engaged in the inspection of fish.

Q. How long have you been acquainted with the Gloucester vessels?—A. Some forty years.

Q. That would be since 1837. In what way were you connected with them in 1837?—A. My first trip was in an American vessel to the Azores Islands, in the Bay of Saint Lawrence for the purpose of taking them to the United States, and returning.

Q. Do you recollect the name of that American vessel?—A. Porpoise.

Q. Where did she hail from?—A. From Isle aux Basques.

Q. Off the coast of Maine?—A. Yes; close to the coast.

Q. What was her tonnage?—A. About 60 tons.

Q. How did you ship?—A. I shipped at the wharf. I belong to Guysborough. I worked on the vessel.

Q. Where did you go?—A. To the Magdalen Islands.

Q. What did you get?—A. A load of herring.

Q. What did you do with them?—A. We took them to the United States and landed them.

Q. In bulk?—A. Yes.

Q. Where did you land them?—A. We landed them at New Bedford.

Penobscot River, near Oastine or Burnt

shing for that year?—A. No; we came mackerel.

A. Sometime in July.

when you went for the herring?—A. It t of May, as well as I recollect. I think

lf about the first of July?—A. It was

ooner?—A. Yes.

Mostly around Prince Edward Island.

l?—A. Yes. We fished for a good part miles from East Point.

es; close inshore.

that trip?—A. Mackerel. I think we

rem?—A. We packed them out at Isle

at year?—A. No. I fished on the Amer- of the year.

e?—A. We did very poorly there for the

, so far back as that, to frequent the I know of; but I know that we did not We fished until sometime about the first

or fishermen on the American coast when ter?—A. I think that July is about as time in the year.

hen mackerel are to be found there at mackerel in the fall. We caught some

r next venture?—A. I then knocked off it to sea.

o years and went to sea?—A. I left off

-A. I afterwards fished on the American

e of the vessel in which you were?—A. uged to Lubec or Eastport. I think she

ide Eastport?—A. It is a few miles from

year in that vessel?—A. In the Bay of sland, and in that neighborhood.

nly a short distance from Eastport?—A. umber of miles between them.

n from Eastport?—A. Yes; plainly on a

n island?—A. Yes.

American Island?—A. Yes.

re when fishing?—A. We went close in- l-fishing.

ait?—A. We used to catch some and buy

- Q. Where would you catch codfish?—A.
- Q. How far off from it?—A. Probably five miles.
- Q. You fished around Grand Manan and out there?—A. We fished off Grand Manan, and out there.
- Q. How far from the New Brunswick shore?
- Q. If you went within nine miles of it, you would be off the New Brunswick shore?—A. We fished about nine miles off in the bay. We were not in the bay.
- Q. You got bait inshore?—A. Yes; right in the bay.
- Q. These weirs are fastened in the mud?
- Q. Without that bait, you could not have fished anywhere, and this was the most convenient place.
- Q. Where else did you go that year?—A. I did not go anywhere else that year I went to sea again.
- Q. What did you do the following year?
- Q. Fished for mackerel.
- Q. This I suppose was about 1842 or 1843?
- Q. Where did you fish for mackerel?—A. I fished off the shore where we tried for the fish there.
- Q. Where?—A. All around Grand Manan as far as Isle Haute in the bay.
- Q. Is this the same Isle Haute that you mentioned before?—A. No; it is another.
- Q. You fished off Quaco Ledge?—A. Yes.
- Q. This is in New Brunswick territory?
- Q. Mackerel off an island, which I think is called Quaco Island at high water.
- Q. This is on the New Brunswick shore?
- Q. Did you catch any there?—A. We got some off Cape Sharp, and off Fishermen's Cove. We did not stop long there, but went on to Grand Manan Island. We then went in and fished around the northern part of Grand Manan.
- Q. Could you find mackerel out in the open bay there, but none to speak of?
- Q. The best fisheries are inshore around Grand Manan?—A. I could not say much about the open bay. I only fished there for part of the year.
- Q. Did you fish any more in the Bay of Fundy the next year?
- Q. Were you successful?—A. No. The fish were scarce.
- Q. How did the others do?—A. I guess they did not do well.
- Q. You got nothing you mean?—A. We got nothing.
- Q. What was the size of the vessel in which you fished?—A. It was about 40 tons.
- Q. Can you recollect her name?—A. No.

very few barrels?—A. Yes; and not enough

how many you caught?—A. It was probably 35
out for about two months. We did not get

for two months' time?—A. No; we did not pay

prize for the other vessels on the American
and only speak for the vessel in which I was.
more, and some caught less.

yours was a fair average catch?—A. It might

it was not?—A. I know nothing to the con-
season was over, and came over to the Gut of

season was over?—A. Yes.

?—A. No; but in a coasting vessel.

fish?—A. No; I came home to Guysborough,
thing that year?—A. No; not in the Bay of
or for a few years after. I went next fishing
re, in boats.

gulf?—A. No; I went to the Cape of Canso,
ster's, Cape Breton, and fished around there.

gely carried on at that time?—A. Yes; a great
s was then done.

in the nets?—A. Fat herring and mackerel

the bay for mackerel?—A. No.

business as far back as that time?—A. It paid
one years it paid very well.

interfere with any of the boat-fishing?—A.
it.

terwards?—A. I fished there for a few years,
trait of Canso, where I now live, and engaged
ues.

grave?—A. Yes; I went for one trip in an
lagdalen Islands, and got a good load of her-
the collection of light dues, and was in the
these duties for three summers. This is now

l. At Port Mulgrave. I collected light money
high passed through the strait.

at?—A. I think it was some time in the 1850

reciprocity Treaty came into operation—that is,
the existence of the Reciprocity Treaty I was
it.

engaged previously?—A. I do not remember.
point.

s to collect those duties from American ves-
Strait?—A. It was our duty to board all the
the Strait of Canso that we could.

board them all, or did some escape during the
We could not board them all.

en a large fleet would arrive. I have seen
r 25 sailing up the Strait at one time with a

r wind. We might board four or five or is not very windy, but the rest would slip le to see them afterwards. We could not e boat.

Q. They would not stop?—A. Stop? No.

Q. Would vessels get through unperceive

A. I dare say a good many did. Of course u can see these vessels coming and going

Q. Practically, is it possible for any one the vessels that pass through the Gut

ason?—A. No one man stationed in the G the vessels that go through there; to do

e cannot do it.

Q. Why?—A. Because they go through dur e them; this is done when it is pretty da ring a gale of wind. At such times he c B, save that they are vessels; such a ga re not go near them or board them. I ha ssing through during a heavy breeze go m the north.

Q. Then your opinion is that practically utter, cannot actually get a correct list of as through the Gut?—A. No. That is i ree summers of it and I could not get the

Q. You have not only lived there for 1 so passed three or four years in this espec d to board every vessel we could catch.

Q. Do you think that during these three te list of the number of vessels passing

l—A. We did not board all of them.

Q. You only kept a list of those from mey?—A. Yes; it was not my business the vessels.

Q. Did many American vessels come it nce during the Reciprocity Treaty?—A.

Q. What would be the average, in your ing the existence of the Reciprocity Tre D.

Q. That would be the average for each y

Q. This treaty ended in 1866, and you say arly average was about 600?—A. That is

Q. You observed what passed as accurate ring all that time. Had you anything to f during any portion of this time?—A.

Q. What did you do?—A. In 1861 or '62 ckerel in an American schooner.

Q. And up to 1861 or '62, do I understand collection of light-dues?—A. Yes; up to

Q. And then you went fishing?—A. Yes.

Q. How?—A. I went in an English vesse

Q. Where?—A. We went over to the Ma

Q. How did you succeed?—A. We got a ing for mackerel, after we had landed th

Q. What time did you land the codfish?—

Q. Did you catch any cod within the thre

caught about 130 quintals in the bay between the two islands.

Bay?—A. On the eastern side of the Magdalen Bay.

in this bay?—A. Yes; in 10 fathoms of water.

How much?—A. About 130 quintals.

How many more?—A. About 400 quintals.

How many more?—A. Yes.

Did you fish for it?—A. Yes; we set traps.

How did you do so?—A. Yes; the inhabitants informed us of the bait.

How did you procure bait?—A. We anchored in the bay and we caught any we staid there for a few days.

How did you get outside?—A. We obtained the balance of the trip about 130 quintals outside, between the two islands, and we caught part of the trip off the Bay.

How did you fish there?

How did you procure?—A. The balance of the trip.

What cargo?—A. We came over to Little Bay.

How did you go?—A. We went back and fitted out for the trip.

How did you fish?

How did you fish?—A. Chiefly about Margaree, Port Hood,

on the shore?—A. Yes; and at Obeticamp.

How did you fish there?

How did you fish?—A. I almost forget now; but we had a very

large?—A. I think it was about 60 tons.

How did you get the cargo?—A. Yes; we obtained what we fitted out for.

How did you get that trip?—A. It was in the last of the month; I think it was the last part of October.

Which you think was about 1861, how many vessels, frequenting the Gulf of Saint Lawrence, came to the bay that year.

How many?—A. Yes.

How did you get as to the year, where did you go in 1862?—A. In a schooner that year.

From?—A. Gloucester.

How did you get?—A. The Marshal Ney.

How did you get at Gloucester?—A. Yes.

How did you get?

How did you get?—A. To the Bay of Chaleurs and other parts of the coast.

How did you get the Gut of Canso?—A. Yes.

How did you get or not?—A. In every vessel in which I was paid when demanded.

How did you get or did you get through without paying?—A. The dues were then collected.

Q. Have these dues been collected since 1861, 1862, or 1863?—A. License fees have been since collected.

Q. What did you do on that trip?—A. We obtained a trip of mackerel pretty quickly. We secured somewhere about 250 barrels.

Q. Around Prince Edward Island or Cape Breton?—A. Partly about Prince Edward Island, but we obtained the heft of them over about Margaree.

Q. That is off Cape Breton?—A. Yes.

Q. Close to the shore?—A. Yes; pretty close; so close that we would sometimes be and anchor among the boats.

Q. Were all your fish caught within two miles of the shore?—A. A good many were taken within half a mile of the shore.

Q. And none of them were caught three miles from the shore?—A. None of that trip were taken offshore.

Q. When did the trip end?—A. I think we got in somewhere about the first week of September. We landed them at Port Mulgrave, got out again, and went back to the bay. We landed 250 barrels to be at home, while we went back to the bay.

Q. If you had had to return to Gloucester, could you have got by that season?—A. We could; but I suppose that we would have very likely lost a trip by it.

Q. Where did you fish when you got back to the bay?—A. About the island; we fished at first along the head of the island, and then crossed over to Margaree and Chetticamp; we also caught some about Port Hood and Cape George. We ran over to the Magdalen Islands once or twice, but were blown away from there.

Q. Did you fish inshore all the time?—A. Yes; pretty much all the time. We ran across from one island to another, and, *en route*, we were often heaved to. We might then probably catch a few, or get none.

Q. Practically, you caught all the fish inshore?—A. We obtained two thirds of that trip inshore.

Q. How many did you catch that trip?—A. 260 barrels.

Q. What did you then do?—A. We went home.

Q. This was, I suppose, late in October?—A. It was the last of October.

Q. What did you do next?—A. The following year I went in an English schooner, called the Topaz, from our place.

Q. How did you succeed that year? Were you fishing for mackerel?—A. We went for codfish, and proceeded in the first place to Western Banks; we afterward went northward. We fished chiefly Bank Bradley and Bank Orphan, and in the mouth of the Bay of Orleans, near Caraquette. We used to have to run to Caraquette for fuel. We obtained a small trip of codfish, and came home some time toward the last of August. We landed them and fitted out for mackerel.

Q. Where did you catch the bulk of that small trip of codfish?—A. Offshore—on Bank Orphan.

Q. On the Banks?—A. Yes.

Q. Banks Bradley and Orphan?—A. Yes.

Q. Where did you land them?—A. At Harbor Bouche, I think.

Q. Did you afterward go to the gulf?—A. We fitted out for mackerel, and came back to the bay.

Q. How did you succeed?—A. We obtained a very good trip.

Q. When did you complete the trip?—A. In the last of October.

Q. How many barrels did you get?—A. 400.

Q. What was the size of your vessel?—A. About 80 tons, English measurement.

A. The fish were shipped to Boston.

Q—A. We secured a part of them at some about the island and Cape Bear.

Q—A. The balance we obtained the shore?—A. The balance we obtained Point, offshore. We secured about two-

hundred outside of the three-mile limit?—A. Of this limit.

Q—A. About one-third of the trip or less at that time?—A. I guess that we got about one-third of

the fish. So had you not had the privilege of following them out again?—A. What I call we run close to the shore and induce a school out. Though we then drift off for 10 miles, because we fetch the fish from the school of mackerel 5, 6, or 8 miles from the shore.

Q—A. Had the Reciprocity Treaty expired at the time you just described?—A. I think not.

Q—A. During year?—A. I was then in the same

kind of vessel?—A. Yes.

Q—A. Cod and mackerel, the same as the

last year?—A. We did very

much?—A. Our first trip was made out on the second in the Bay of Saint Lawrence.

Q—A. And up the gulf.

Q—A. Most of them were taken off Banks Brad-
ford, about 130 quintals, were taken in the

body of Chaleurs Bay?—A. Yes; not

in the body of the bay, or inshore?—A. A great
many inshore off Port Daniel. A good many

inshore. Yes. We would go to Port Daniel for

the northern shore of the bay?—A. It is on the
northern shore, on entering the bay.

Q—A. Fishery inshore?—A. Yes; the boats fish

about five miles out from the shore in the
bay it is very good there.

Q—A. Fishery in the body of the bay?—A. In
the Bay of Chaleurs.

Q—A. Neither in nor out. I seemed to have no

other cod-fishery farther outside in the bay,
a good place for boat fishing. There is a
spring play in the last of July and begin-
ning for bait.

Q—A. To the Caraquette Bank.

Q—A. It is 5 miles from the shore.

Q. How far in from the entrance of the bay?—A. It is quite a little distance.

Q. Twenty or thirty miles?—A. No; it is not so far from the bank.

Q. Is it 10 or 12 miles?—A. Yes.

Q. It is situated well into the bay?—A. Yes, it is.

Q. It is a very good bank for fishing?—A. Yes, it is used for bait.

Q. Are squid found there?—A. Not to my knowledge. I never saw any caught there.

Q. Did the Americans in your time, and before, catch bait on that bank?—A. I have not seen it.

Q. Did they want them to fish for cod?—A. Yes.

Q. On your different trips mackerel fishing?—A. Yes, on Pogie's.

Q. These are generally put up on the coast?—A. Yes.

Q. Where would you buy them if British merchants used to import them from Portland?—A. Yes.

Q. To Port Mulgrave?—A. Yes.

Q. And sell them as articles of merchandise?—A. Yes.

Q. They bought and sold them?—A. Yes.

Q. After you finished your codfishing trip that year?—A. Yes.

Q. Did you have a fair trip?—A. Yes.

Q. Did you catch them inshore?—A. Yes, they were caught inshore.

Q. After the Reciprocity Treaty expired in 1870, did an American fleet which came to the bay, stay until 1870 or 1871?—A. In 1866, if I remember right.

Q. Where did she hail from?—A. From the Onyx, I think.

Q. Where did she hail from?—A. From Port Mulgrave.

Q. What did you do?—A. We went after mackerel. I stayed ashore until that time.

Q. Where did you fish?—A. Just over a mile from the shore.

Q. Around Cape Breton?—A. Yes; we went over to Margaree, Cheticamp, and Pegg's Cove.

Q. Around Cape Breton?—A. Yes; we stayed there pretty much all fall.

Q. What was your fare?—A. A good one.

Q. What was the size of your vessel?—A. A small one.

Q. How many barrels did you take?—A. About 100, probably more. It was a very good trip.

Q. I suppose that all the mackerel were taken at that time?—A. Yes, most of them late in October, right in the middle of the season, among a large fleet. The heaviest fishing was done during two days.

Q. You refer to the American fleet?—A. Yes, the American fleet was there.

Q. What did the American fleet number?—A. I think that 300 sail was there then.

Q. And how many British vessels?—A. About 300.

Q. That would make about 360 altogether?—A. Yes. I think that this was in 1866.

Q. Then the Americans were there in as large a number as the British?—A. A large American fleet came there.

then take mackerel half a mile off shore. We one mile off shore. They kept right in along followed them from Margaree to Limbo Cove. 3 days.

ce of the American skippers that they could mile from the shore that season ?—A. When of mackerel, they will not leave as long as mackerel were then pretty much inshore; and it extended for miles.

more that year ?—A. No.

requent the gulf the following year in as great is would be in 1867 ?—A. I did not then fish in in an English schooner.

1 American fleet as usual in the bay in 1867, A. There was quite a large fleet in. It was els, I think, then brought licenses, but some

censes, comparatively speaking ?—A. No at

umber of this fleet—500 or 600 ?—A. I guess

in 1868 ?—A. Yes; in an English vessel.

lgrave ?—A. No, but to Guysborough Bay.

t year ?—A. I went out late in the fall, and

. The middle of September.

-A. Up about the island, around East Point, and back. We got a few mackerel going up

nd fare ?—A. No; we took a very poor fare. t off Port Hood close inshore.

re because it was late, or because the mack- year ?—A. The best part of the season was was blustery. We could not stay out like ; because our sails were in a very bad state. part.

ur outfitting ?—A. Yes, in part; we besides

gy bait ?—A. Yes, we did, but it was of very

. I think it was along about that time, but

69 ?—A. I did not fish any more until 1871,

leet in the bay as numerous as usual in the Quite a number came in and went out.

l—A. It was quite large, averaging 500 or

In 1871 I went in an English vessel.

arel or cod ?—A. We fished for mackerel.

Port Hood, and Margaree, and along there. I the fall, and made short trip.

is ?—A. We caught about 50 barrels.

e ?—A. It was toward the last of September.

ie season ?—A. O, yea.

sidering the short time you fished ?—A. We

did very well for the time we had a small crew.

Q. What was the size of the

Q. How many men were on

Q. How long did you fish such that we could not fish the fish in two days.

Q. Did you fish in 1872?—schooner.

Q. What was her name?—

Q. Where did she hail from

Q. Who commanded her?—

Q. Where did you go?—A.

Q. Where did she land the She was then fitted out and w

Q. They were permitted to l standing the fact that the Rec never seen any person preven

Q. They all lauded their far

Q. And you went right bac and I shipped and went to th to the island and caught son Margaree. The cutters were

Q. What did you succeed in

Q. At the second trip?—A.

Q. When did you enter the August, and we soon returned

Q. What was the size of th

Q. Did you ship on shares?

Q. Where were most of th Inshore.

Q. What proportion was ex fare.

Q. Did you while on that t boats along Prince Edward many boats engaged in fishing

Q. How did you treat the b interfered with the boats. V drift among the boats.

Q. What is the effect of t take their mackerel.

Q. The boats have to go a they have to leave?—A. I ha get out of the way. At Marg to the boats that they had to

Q. Otherwise you would sw little; but the skipper paid fo

Q. Was he sued for it?—A claim was settled.

Q. What was this skipper's however, was a trifle.

Q. You come in, throw out the boats?—A. We throw out as we can.

Q. And you thus draw the l we do. Of course the fish wil

' the American fleet in the bay in 1872?—were from 400 to 500 sail.

I was then in the bay, fishing. It was

ican fleet in the bay that year?—A. Yes

large fleet?—A. I think that the cutter

1873 in an American vessel?—A. Yes, in

the bay?—A. I think not.

cutters were there did they succeed in keep

mile limit?—A. During one year that we

keep off, of course; while they were there

they were not there, but nevertheless we

en came in sight we got out of the way.

movements of the cutters, and when sh

ain?—A. Very likely we would. This is

ould do under such circumstances. I guess

about as well as they watched us. We

ould wherever we could secure them.

est places for catching fish were inshore?—

e ever since I have fished. My experience

thin three miles of the shore.

y good one, was it not?—A. I was not in

1873?—A. I shipped that year in August

nd our first trip 300 barrels. We caught

apt some on hand. The captain told me

n their first trip that season.

g the previous year in two trips you took

r we caught 800 barrels, and 400 barrels

ing year, and when I went in her we took

or these two trips?—A. Yes; this was in

rrels in 1872?—A. Yes. We caught the

1873 down about Cape Low, Cape Breton

ishing in the bay at all?—A. I have no

merican fleet in the bay in 1874?—A. Yes

s the number that year?—A. I think that

me. The number might have fallen of

1875 in this respect?—A. The number o

n off.

why?—A. One reason was because the

at year as formerly.

?—A. Yes.

hem on the American coast than usual?—

, home in 1875, and also in 1876 particu

down to the bay for mackerel when there

rican coast.

of St. Lawrence is full of mackerel thi

year.—A. The prospects are very good. We receive very good accounts respecting the fishery.

Q. How many American vessels have entered the bay to your knowledge?—A. I have kept count of those that have passed through the Strait of Canso since the 21st of July, and I have counted 78, and I am certain more have gone through of which I have not heard. I am informed that one vessel is down at Sydney fishing. She did not come through the Strait of Canso at all.

Q. She is fishing on the other side of the Island of Cape Breton?—A. Yes.

Q. Are you aware that there is a large American fleet either in the bay now or expected to be in there this season?—A. It has been reported since I left home that there would be a very large fleet in the bay this year.

Q. And the prospects are that the bay fishery will be as good as ever this year?—A. The prospects are very good indeed.

Q. There are prospects of a good mackerel fishery?—A. Yes.

Q. Would it be possible for American fishermen to prosecute the mackerel fishery in the gulf unless they had the right to come within the three-mile limit?—A. I should think not. I would not go in a vessel unless I could get fish where I pleased, inshore or offshore.

Q. If the Americans were kept out of the three-mile limit could they successfully prosecute mackerel-fishing in the gulf?—A. I think they could not do anything; they would not catch anything, and it would not be worth while for them to come.

Q. Would they not lose money?—A. Yes.

Q. Then American fisherman in the gulf fishing for mackerel must have the privilege of the inshore fishery?—A. In my judgment they must.

Q. Now, by the Treaty of Washington, they may land and go in and get bait; do you hold that to be any privilege, for instance, to an American cod-fisher?—A. It is a great privilege to be allowed to go in and get bait and ice where they choose.

Q. Explain why you think it is a great privilege with respect to ice.—A. The ice preserves their bait.

Q. Since the treaty they have come in and got ice?—A. Yes.

Q. Are you aware as to whether they were in the habit of coming in and getting ice before 1871?—A. They used to come in before 1871, but the ice-houses were not then so plenty as now—there was scarcely an ice-house there then.

Q. They require ice to keep the bait fresh for cod-fishing on the banks?—A. Yes.

Q. Take the privilege given to Americans of transshipping and landing cargoes; do you think it is an advantage to them?—A. I think it is a great advantage to an American fishing in the bay, for if he wants to make another trip he has the privilege of transshipping his fish, fitting, and can then return.

Q. Does the privilege of transshipment enable the American fishermen to take advantage of high markets?—A. He can transship his fish, generally, pretty soon. Steamers run there which carry the mackerel.

Q. Is the privilege of transshipment equal to an extra trip?—A. I have known it to be equal to an extra trip.

Q. Is it, in your opinion, equal to an extra trip?—A. Yes; because it is at the best season of the year.

Q. They would otherwise lose the best part of the fishing season?

son as there is, and the best weather; that
id trip.

ilf toward the fall of the year?—A. Yes.

e effect of seining on the fishery?—A. I
g. I have never seen a vessel with one of

can fishermen speak of the practice?—A.

A. Some say, as I know, that it spoils the
ing.

n for that opinion?—A. I heard a skipper
lestroy a great many small fish, of which

I be glad to have it abolished?—A. Some
is summer they would sooner have it abol-
he way it is practiced.

Whether it had destroyed their own fishery?
s injured their fishery, and it is my opinion
ried on two years longer in our bay, we
atch, because the seining will drive them
later than this week an American schooner
d a school of fish with a seine, mostly her-
f solid fish. They meshed in the seine and

active to the fishery?—A. Of course, it is
large quantity of fish, for a large number

seining is continued for two years on your
ere will be destroyed?—A. Purse seining
shery.

. two years more it will destroy the mack-
allowed two years more the seining will
ers will scare away from the grounds the

s think seining destroys the fishing?—A.
it was abolished altogether, both at home

them whether they intend to get more
; inshore than the seines they have?—A.

A. I have a son-in-law captain of an Amer-
d him how deep his seine was, and he told
said he knew it was too deep and he was
fished for mackerel in the bay with it. I
seef the seines instead of cutting them, and
ize.

ain spoken to you of the prospect of good
s; Captain Joyce said there was a good
He had got 300 barrels in the schooner

g the 300 barrels?—A. From three weeks
a month.

ch?—A. He got them all in two or three
all with seine.

boal water.

ow how many American vessels are com-

ing down this year?—A. It is reported there is going to be a large fleet. When vessels arrive and the captains are asked as to the fleet, they say there are more vessels coming, and that if they cannot get mackerel at home they will all come here. The Cape Ann fleet and Booth Bay fleet I refer to.

Q. Can you tell the Commission where, according to your experience and observation, the mackerel breed?—A. Yes; I think I can.

Q. Where do they breed?—A. I think they spawn a great deal off Cape North, Prince Edward Island, all along the ground down to Point Miscou. That is the first place to catch mackerel in the spring with hooks.

Q. Have you seen them spawning there?—A. I have caught some with half the spawn in them, some full of spawn and others which had lost the spawn.

Q. Do you know whether any spawn on the north shore of Bay Chaleurs?—A. They go into Bay Chaleurs, and I think they spawn there. They spawn a great deal in Antigonish Bay, Port Hood, and along the coast. They catch mackerel there after spawning.

Q. The fish spawn there?—A. It is my opinion they spawn there because they are caught there very early in the season after they have done spawning.

Q. Has your attention ever been directed to the throwing overboard of offal by American vessels? What is your opinion of the effects of that practice on the fishery?—A. It hurts the fishing-grounds.

Q. Can you catch fish after you have thrown offal overboard for some days or weeks?—A. You can catch fish.

Q. How long after you have thrown offal overboard?—A. We have thrown offal overboard and gone to work fishing, but probably we drifted off the ground where we heaved the offal. I can say nothing about that matter; I don't know.

Q. You think the practice is injurious to the fishery?—A. Yes; I think it is injurious.

Q. Is the privilege given to Canadian fishermen, under the Treaty of Washington, of fishing on the American coast, of any value; and, if of what value, to Canadian fishermen?—A. I have never known it to be of any value to any of them. In my opinion it is of no value at all.

Q. When is the last time you were on the American coast fishing?—A. I was in the schooner A. G. Brooks. I omitted to tell you that, forget what year it was, but I recollect the vessel. That was the last year I fished on the American coast.

Q. What catch did you succeed in getting?—A. We were part of the season in Bay Saint Lawrence, and went home about 12th September. We fished on the coast, and got 12 barrels for the rest of the season.

Q. Did you get these inshore?—A. Boston Bay.

Q. How far from the land?—A. About 10 miles off land.

Q. Not inshore at all?—A. No.

Q. You never returned to the American coast?—A. Not fishing.

Q. In your judgment the privilege of fishing on the American coast is really no privilege at all?—A. No privilege to us.

No. 20.

JAMES PUECELL, inland revenue officer and collector of light dues at Port Mulgrave, Strait of Canso, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

Q Have you lived at Port Mulgrave?—A.

Q Did you followed during that time?—A. For
red fishing and trading. For the last twenty
officer and collector of light dues.

Q Did you board American vessels?—A. No.

Q Did you board British schooners?—A. In my own vessels.

Q What fishery do you prosecute?—A. The cod and

Q Did you know when the Reciprocity Treaty came into force?

Q Did you know when the treaty was abrogated?—A. Perfectly

Q Did you know when the Gut of Canso was closed during that time?—A. I did.

Q Did you collect light dues?—A. The Reciprocity

Act of 1854. I became revenue officer and collector

Q Did you know of the existence of the Reciprocity Treaty you
early so.

Q Did you have an opportunity of judging

Q Did you see American vessels which passed through to

Q Did you have opportunities.—A. I was bound to board
light dues, and if they had not been collected
them.

Q Did you do so?—A. Yes.

Q Did you have revenue boats and 4 men.

Q Did you board every vessel?—A. I don't say I could

Q Did you board as many as I could. Some, even many,
as many as I could.

Q Did you collect a fair return as showing the
that passed through the Gut of Canso?—A. Sup-
posing, would you be able to board the whole
would not be able to board half of them.

Q Did you make any estimate of the average num-
ber of fleet that frequented the bay during the
Reciprocity Treaty?—A. To the best of my opinion
vessels on an average. That is, the average

Q Did you know if the Reciprocity Treaty, did the American
A. It decreased.

Q Did you know when the license of \$2 per ton came into force
and an arrangement was made for 50 cents a
nearly as usual.

Q Did you know the peak of?—A. 1868, 1869, and 1870; those
years were in operation.

Q Did you know the American fleet at during the years from
Reciprocity Treaty until the adoption of the
Act of 1871?—A. I don't think there would

Q Did you know the average as during the existence of the Re-
ciprocity Treaty so.

Q Did you know the same since 1871?—A. On to 1873. In 1873
the bay, and the vessels did well. Up to that

AWARD OF THE FISHERY

... speak with authority, but in 1874 an
duties leading me to travel around Can
Give the Commission the results of yo
ion was that till 1873 the fishing-fleet
as during the Reciprocity Treaty.

Since 1874 the number of vessels has f
Can you give an approximate idea of th
o years 1875 and 1876 ?—A. I could n
You were there ?—A. Occasionally I w

I was traveling in the interests of
n.

Your duties would enable you to know
American vessels ?—A. Yes.

Can you tell the Commission what wa
—A. My opinion is that the vessels w
trip.

And how many trips would they mak
g the war the average was higher. I
al average, good and bad years as the
Would two trips be an average per se
e time of the war, when they made al
more than two trips.

You fished in your own vessel ?—A. Y
In what parts of the bay did you fish ?
l, North Cape, Margarie, Cheticamp, a
That is chiefly around the shores of
Breton ?—A. Yes.

At what distance from the shore did yo
About a mile and a half from shore.

Did you take any material portion of y
mile limit ?—A. I never recollect to
r from land than three miles ; except
mackerel off Fisherman's Bank, off G
and.

Your operations were confined to the
l and Cape Breton, and you always ca
mile limit ?—A. We always conclude

the mackerel were and where we pro
Will you state the number of boats
f Cape Breton ?—A. I cannot give you
on the east or south side, but from
there would be something like 1,000.
How far offshore do the boats catch

Practically on the shores of Prince Ed
ll the mackerel are caught within the
ackerel I have seen caught were within
You have seen American vessels fishi

Where do they fish ?—A. Along the sh
he fish were.

Did you ever see them fish out in the
night have fished there, but I was not
'rom your experience of thirty years'
our knowledge, as a general rule, yo

always saw them fishing along the shore, Island and Cape Breton.

we were excluded from the inshore fishery, in your opinion?—A. The result would be the fishery. They would not be such fools would not fit out a vessel if I were pre-shore to catch mackerel.

money in it?—A. Not sixpence.

ge of the fishing grounds off the American

British vessel going there to fish?—A. I of any.

e cod-fishery to some extent?—A. Yes, I trading I went cod-fishing.

extent, a deep fishery?—A. To a large ex-American vessel catching cod along our

engage in the fishery get their bait?—A. harbors—they sometimes buy it and some-

ey use?—A. Herring, mackerel and squid. in catching bait?—A. I have.

king squid to any extent?—A. I have seen as they could haul them.

At Hawkesbury. I don't know the num- it I was told the next day that they caught state that as a fact.

them engaged in fishing, but the actual you heard from hearsay?—A. Yes.

ng squid?—A. Yes, as fast as they could

-A. Fifteen vessels.

cod-fishery that they purchase and catch in and harbors?—A. Yes.

them?—A. Yes.

Yes.

man, why it is essential.—A. They require Banks and Banquereau to catch codfish. fresh, and if they have not ice to keep it

;, clams for example?—A. They cannot fish must have fresh bait to fish on trawls.

l they must procure that ice in our ports?—

e that that fishery cannot be carried on by they have this privilege of procuring bait ely.

I understand, a good deal of transshipping ican fishermen?—A. Yes.

ate of the extent to which that right is e seen at one time, I could not state posi- d it was 7,000 barrels on the wharf.

lge pretty well with your eye how many A. I could tell pretty well. I saw as many

on Hart's wharf at Hawkesbury as from five thousand to six thousand barrels.

Q. Is that continuously during the summer?—A. I hardly ever have seen the wharf when there was not fish there being shipped by Americans. I have seen our street in Port Mulgrave blocked so that people could not pass, with fish being transhipped by Americans.

Q. It is not an exceptional but a continuous practice?—A. This year if they can catch fish it will be their object to land the fish and have them transhipped and prepare for another voyage.

Q. Do the Americans consider it a very great advantage?—A. The Americans themselves consider it of the greatest advantage. They consider it an advantage because mackerel cannot be caught at all times in the bay. There are times when mackerel can be taken. The latter part of July and August, and September are the principal months that mackerel bite, and the weather is generally favorable. When they are able at that particular time to obtain the fish, every day saved is of great importance; consequently, when they come to land and have the fish transhipped without delay at ports in Canso, they can prosecute the fishery without any obstruction at all.

Q. It is therefore a great advantage?—A. I consider it, and they consider it themselves, of the greatest advantage.

Q. Can you tell the Commission the average catch of the cod fishermen?—A. I could not give you an answer to that question, except as hearsay. They fit out with fresh bait and ice, and when that stock of bait is out they come into ports on the coast with whatever fish they have on board, and refit with bait and ice, and go down to Bay Saint Lawrence and complete their voyage there. I hear that they go down with 500 barrels, and that they return with 1,000. I have seen the vessels deeply laden, and have asked how they have fared, and they have said they fared well, or, if they had not done so, they would tell me so.

Q. Did their statements agree with your own experience and observation?—A. They did, decidedly, from what I saw of the state of the vessels and the appearance of the cargoes.

Q. As a practical man, had you the slightest doubt that they had made good fares?—A. Not the slightest doubt.

Q. Those things can be judged by the appearance of the vessels?—A. I know perfectly well when a voyage has not been completed or has been unsuccessful.

Q. From actual observation and information furnished by American captains, at how many quintals would you place the average catch?

A. I could not make a statement of that kind. In fact, in my opinion it would be so large it might appear an exaggeration.

Q. Are you able to give any information in regard to the herring fishery?—A. Yes.

Q. What is your knowledge of that fishery?—A. Do you mean the Magdalen Islands branch?

Q. Both branches.—A. There are, on an average, 50 vessels on the Magdalen coast, average about 1,000 barrels per vessel. They bring a large quantity of herring from Boone Bay, Newfoundland. This year there were some vessels taking large cargoes at the Magdalen islands for Norway, repacking in the Strait of Canso, and shipping them direct to Norway.

Q. Could they have furnished their goods to Norway without repacking them?—A. No, they would have been spoiled.

Q. Is that likely to be a growing trade?—A. It is expected that it is going to be a profitable trade; it has been profitable, and it is a trade

oucester men, look forward to the prospect

extent already; are there many vessels?—
 , probably 10,000 or more, were shipped
 ie mark I say 10,000. I understand they
 are 30,000 if they could; but with the Mag-
 , partially a failure.

nd your coast is somewhat extended?—

erring for bait?—A. Nearly always.

ge of the effect of seine fishing on mack-
 ll destroy the mackerel fishing.

for holding that opinion?—A. My reason
 ased and worried on their feeding-grounds
 I think also that it will ruin those engaged

ble to use their seines in our waters?—A.
 arbor Bushy, a seiner took 100 barrels right
 hat the water was deep.

ave said that the American seines were too
 at is the reason they assign for not being
 two years in the bay, that the fish keep too
 s were too deep. I have heard that some
 shoal seines and are to some extent being

nd observation, are you able to state what
 erboard has on the fisheries?—A. I always
 y own experience is that it is an injury to

ead you to form a strong judgment on the
 trong opinion that the throwing overboard
 shery, and the fish abandon the grounds
 ve at that judgment by actual experience
 who have had a larger experience than my-

essence of American vessels on boat fisher-
 ure them?—A. It injures them immensely.
 n they go in with superior tackle, superior
 , to where the boats are fishing, they take

r?—A. Yes.

id take the fish away with them?—A. Yes.
 of the American coast fisheries? Are they
 n't think they are of any value whatever.
 er thought they were, and I don't think

n given of the superiority of the mackerel
 t as compared with that caught in the bay.
 It is an admitted fact, from all experience,
 in prime condition until the latter part of
 en they are in prime condition, and those
 is, and always have been, when mackerel
 aken on our shores, and finer mackerel are
 earth and waters of the globe than in Bay
 shores of Cape Breton and Nova Scotia. I
 l, have eaten them, and am able to form

an opinion. I know what fish are. No better mackerel can ever be taken than those on our shores. There is this, however, to be said on that point: mackerel, when not long salted, look better and plumper.

Q. They are very delicate fish to keep?—A. They are.

Q. They require great care in hauling?—A. Yes.

Q. The longer they are kept the worse they appear?—A. Unless when very fat. If kept any time in salt they would deteriorate a great deal both in appearance and quality.

Q. You estimate that the superior price attained for American mackerel is due to their being able to put them into the market almost fresh?—A. Yes. As to the quality of the fish, I don't think they have superior fish. It would be strange if they had.

By Mr. Dana:

Q. Do you think it has been of any great value to Americans to be able to land, say in the Strait of Canso, and to buy bait, ice, and other necessities of life, and fishing and unload and transship their cargoes there?—A. I should think it is.

Q. Will you state a possible opinion as to whether you think it is of any advantage to them?—A. One advantage that is afforded them in this: by being enabled to land their cargoes at the Strait of Canso they are enabled to catch at least one-third more fish than they could possibly catch if they had to land their fish at their own ports.

Q. They make one more trip than they would make if they took the fish home?—A. Two more.

Q. I want you to state whether you think on the whole the transshipping, the opportunity to purchase bait, ice, and provisions, and rest, are of great advantage to American vessels?—A. They are of great advantage.

Q. Do they avail themselves of it?—A. They do.

Q. Has there sprung up a trade in these articles in the Strait of Canso? Have your people been selling to the Americans largely?—A. Some years they have sold to them largely.

Q. A number of mercantile houses have been spoken of as at Hawkesbury, Port Mulgrave, Ira Cove, Steep Creek, Port Hastings, White Head, and so on; are there parties at these different places who carry on the trade of supplying American fishermen? The Americans buy their bait there?—A. Not for mackerel. They buy their bait for codfish at some of those places.

Q. Advertisements appear in the Gloucester papers that bait, salt, ice, and anything else they need can be bought there. Do you consider this is a pretty stirring and active business?—A. I consider it would be quite unnecessary for those men to advertise in the Gloucester papers that we have bait to sell. They have bait to sell to our fishermen. Those people advertise in a general way; they do not advertise particularly for the American fishermen. We have a western fleet which takes bait, salt, and other supplies.

Q. What is the western fleet?—A. English vessels from the western part of the province.

Q. Are there many of those engaged in the fishery?—A. About a sail.

Q. That bears a very small proportion to the number of American vessels?—A. It is pretty small.

Q. Besides, are they not better able to get their own provisions and outfits on the shores where they live?—A. Perhaps it does not suit them always to do so.

quickly than the Americans? They don't
 do?—A. I never said they did.
 out in the way of retailing and purchasing
 or bait, whether for cod or other fishing, is
 —A. It is mainly an American trade.
 an American trade?—A. I tell you that
 ba are supplied there. A great many get

transship?—A. No.

do?—A. Sometimes I have heard of western
 r refit there.

are pretty near home and able to commu-
 y go to the gut principally for mackerel
 here for them. It is difficult in Halifax to
 it there, and at the same time they get

—A. Yes.

l from the United States?—A. Yes, and is

mericans cannot get on at all unless they take
 ities for refitting, transshipping, and get-
 these articles, such as ice, much better from
 at back to the United States to get them?—
 t from what I said. I say they could not
 hout getting this fresh bait. I did not say
 mackerel fishery without these privileges,
 t as successfully.

the cod or mackerel fishery.—A. I want to
 e you said that I said it would be impossi-
 e fishery. I said that, without getting a
 possible for the cod fishermen to carry on

very they would carry on at a great disad-
 ust it.

can fleet engaged in the cod fishery takes
 hich you think they could not carry on the
 't say they could not carry on the American
 r before the treaty of 1818 they carried on
 r how. They carried it on with the assist-

on to a profit?—A. Yes.

which are large, introduce a very extensive
 . Yes; comparatively speaking.

siness to your people to sell to the Ameri-
 terests of our fishery.

ss on the whole to those persons who are
 t of the moral effect on the character of the
 mercial matter. I suppose the people en-
 r they would not engage in it?—A. I could
 uestion, because I cannot tell how success-
 money they have made. All I can tell you

ver the question?—A. I cannot answer it.
 lgment it is a profitable business?—A. I
 profitable business to them or not; I have

Q. You find men engaged in business; the Americans sell pogies, transship and refit; you don't know the profits of the Americans?—A. I do not. I only know their advantages in getting fish. I don't know what they make by their voyages.

Q. You find, on the other side, British subjects or others resident there selling articles to Americans and buying American pogies for bait. Every time an American vessel lands to transship, it employs a good many of your people?—A. No; they do not; they land their fish with their crews, and those men they do business with take care of the fish. I can only speak from what I have seen.

Q. You have seen American vessels come there in numbers?—A. Yes.

Q. You have seen cargoes transshipped?—A. Yes.

Q. They count how many barrels then go out?—A. Yes.

Q. Barrels are bought there to a great extent?—A. In many instances they have been brought from the States there, and very often staves and heads are brought down from the American market and made up there.

Q. My question was, have you not seen and known that to a large extent barrels are sold to Americans for refitting?—A. Yes.

Q. Americans then do, to some extent, employ the people there?—A. They employ them on board their vessels, take them on board to fish with them.

Q. To return to the business in the Strait of Canso; there is this business going on, and you know a good many mercantile houses are engaged in it. If the Americans should withdraw altogether, should not transship any cargoes, should not purchase anything there, and should not bring bait there for sale, that mercantile business would substantially come to an end, would it not? There are not enough vessels in the 40 schooners you mentioned to keep up that business?—A. Yes. And it would be very lucky if it was ended.

Q. You think they would be better off if they lost the American trade?—A. I do. The only parties who are well off are those who never had anything to do with it.

Q. Then it is a losing trade?—A. So far as I know. Those engaged in it have been ruined, so far as I know.

Q. Then it is a bad business?—A. I don't think they made any fortune.

Q. Have they made any money?—A. I never knew one who had made money from it.

Q. Have they all failed?—A. Those who have not failed are pretty well in slings.

Q. You mean they are very much embarrassed?—A. You may interpret it that way.

Q. But still hold on to it; perhaps they have nothing better to do?—A. Perhaps so.

Q. Then the result seems to be that, speaking of American vessels coming there, it comes down substantially to an American trade, and you think the sooner they are rid of it the better? That is your judgment?—A. My judgment is this, that the facilities Americans have for landing their fish and transshipping it are of great advantage to them. That is my belief from my own knowledge and actual observation. On the other side, my experience has led me to know that those engaged in supplying them have never made anything by them.

Q. Do you think it would be better to have the trade cut off?—A. The only reply I could give is that those men who were not engaged in that trade—I could name them if necessary—Messrs. Paints in the

an American vessel, still live, are well of

aged in at present?—A. Buying fish from goods to our own people.

in the American trade?—A. Not as far as a limited extent.

hey advertise in the Gloucester papers for apas they may; if so, it is very recently. One up an ice-house here some time ago. It is nrtised. If you wish to test my testimony yo o them, and I pledge myself that they wil l 20 American vessels in their lives. I don' d.

r their advertising?—A. Perhaps they wan cannot tell you that.

e money?—A. Perhaps they could find ou ceessfully.

terel in the world are to be caught in the gul —A. That is my opinion.

a the American coast mackerel fishing in No vas on the American coast at all.

e American mackerel are on the American you a few weeks, whether they are worse o A. When they leave us in October and No have much time to get better or worse whe

mackerel caught off Massachusetts in Novem Massachusetts and perhaps eaten mackerv

having eaten mackerel caught in Novembe ever saw it labeled at the hotel as to wha ght. Indeed, I never paid particular attet or not; I cannot say that I did.

say that mackerel caught in Massachusetl be just as good as they are here?—A. I don

mackerel caught in the gulf in October an the world?—A. I say, as regards our mack r to them; that is what I mean to convey.

in British vessels?—A. In my own vessel -A. Small vessels, 26 tons; we have one no

m?—A. Yes.

e you engaged in fishing in your own ve 356 off and on, not continuously. I neve tinnally on a vessel. I went sometimes fo y need, and at other times to look after th

ur vessels, did you fish for mackerel close in

r?—A. Sometimes. We fished on what w

a spring and sometimes you drift? Whe o as close in as the depth of water will adm ; we do that sometimes.

vessels ever happen to strike a boat that

fishing or be in the way of boat-fishing? We have been told that American vessels drift slowly off, throw the bait, and sometimes get foul of British boats.—A. I never saw them get foul of them.

Q. You never saw an American vessel get foul of a British boat?—A. I never saw them get foul of any boat.

Q. Not an American vessel?—A. I never saw one get foul of a boat. I have seen them dash in among the boats, throw bait, and drift off.

Q. You never saw a British vessel do that?—A. Yes; I have seen British vessels do so; we went in among them ourselves.

Q. To foul them?—A. I never did that.

Q. You go in just as the Americans do?—A. Yes; certainly.

By Hon. Mr. Kellogg:

Q. Where were licenses applied for when they were issued in 1868 and 1869, and how were they obtained?—A. At Port Mulgrave.

Q. For all the fishing vessels?—A. I could not say.

Q. Was there one place where they were all obtained?—A. At Port Mulgrave the largest number were obtained.

Q. Is that part of the way in which you know how many vessels passed the Gut of Canso—by the licenses?—A. I have various reasons besides that.

Q. Did any go through to fish without having licenses?—A. There were. I know the first year, when the license was so high, scarcely any took out licenses.

By Mr. Davies:

Q. You have not seen American vessels interfering with boats or injuring them?—A. No; I have not.

Q. Do you confine that statement to Cape Breton or extend it round the whole coast?—A. I don't wish to make any statement further than what I know myself.

Q. Over what distance do you wish to extend the statement?—A. I never saw the vessels run foul of the boats or injure them.

Q. To where do you mean to confine your experience on that point? Do you mean that they never foul boats at Prince Edward Island?—A. I know nothing about boat-fishing at Prince Edward Island. When I frequented North Bay there was very little boat-fishing; it was not carried on to any extent at that time.

No. 21.

FRIDAY, August 17.

The Conference met.

Capt. EDWARD HARDINGE, R. N., C. B., called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. You are post captain in the royal navy?—Answer. Yes.

Q. Were you so in 1870?—A. Yes.

Q. You were on this station?—A. Yes.

Q. In 1870 were you in command of a vessel of-war, and, if so, state her name, to guard the fisheries in the gulf?—A. Yes; the Valorous, a steam-frigate, stationed on No. 6 station.

Q. Station No. 6 is in the gulf. Describe where it is.—A. From North Point, Prince Edward Island, to Cape Wolfe, thence across to Richibucto Head, along the coast of New Brunswick to Cape Roquier.

Q. You were stationed at Bay Chaleurs on the Quebec side of the bay?—A. Yes.

board?—A. Two hundred and thirty.

re guns.

f?—A. I entered the station on 15th
the gulf some days earlier, because I
to my station.

ward your station, did you see many,

f?—A. Passing up Northumberland
shing Mirimichi, off Mirimichi River,
els.

Bay did you see fishing-vessels in
saw a fleet of 53 sail; I have it re-
mits.

They were all Americans.

you saw them?—A. They were sail-

.

—A. Yes.

ere you upon the station?—A. I was
ity days.

the gulf?—A. About sixty days.

a the station?—A. Only twenty days
upwards of sixty days from the time
aso to returning to it again.

you command? Was it one which
It was a paddle-wheel steam frigate
00 horse-power, with large paddle

ssel be seen on a clear day?—A. A
ould be seen a long distance. From
es at five miles distant she might be

a man-of-war?—A. Yes.

les off, and American fishing-vessels
not easily sail out before you could
certainly.

arge and visible at a great distance
ry great use for the purpose of catch-
-mile limits?—A. Practically, I found

se?—A. Almost useless.

I think there were American vessels
; I think Nipsic, Frolic, and Guard
The Frolic and Nipsic were steamers
carrying 4 guns and 100 men. The
men, and I think 4 guns. I don't

erican commanders?—A. Yes; I vis

f?—A. Yes.

onging to the British Navy also pro
there were seven.

t?—A. Yes. There were six stations
vo vessels on one station.

of the British men-of-war?—A. They

AWARD OF THE FISHERY

Royalist, Philomel, Plover, Brit

ing those twenty days when you
your own eyes any American fishi
quently.

ere did you see them?—A. Off Mi
and Bay Chaleurs and in the ba
r many at one time?—A. I have
e limit, fishing; by the time I got

you board any of them after th
side. On one occasion, off Misc
out of the three-mile limit; she b
Hlenwood, of Gloucester.

con is one of the points off Mirim
eurs, on the south side.

you speak to them?—A. I went
in if he was aware of his position.
g him if he had no instructions,

Boutwell was Treasurer of the
the captain and left him. He w
ne I got on board.

you see the fish they had taken?
iously taken; they were actually
ng up Bay Chaleurs, were you aw
; seining in those waters at that

aspé Bay?—A. Yes.

ere were they practicing it?—A.
r of Gaspé.

hat time they did not use purse s
rse seines were then in use; they
a large seine for hauling to the bea
ach.

ould not be worked by taking it
tted for that.

y actually had been seining on th

the inhabitants complain of thi
lained to me.

at did they say?—A. They said t
fish were brought to land when th
as a favorite breeding place for
id them when fishing in their b
ul up their lines and leave.

seines not only drive off the boat f

Yes; I understood it in that way
any complaint made of the way i
their offal?—A. Yes; off Paspeb
is on the north shore of Bay Cha
at the offal thrown from American
men were unable to take them.

shery at Paspebiac.

ebiac fishermen fish more or less i
on the north shore, from Paspebi

er the Jersey houses encourage the mackerel
tion I obtained was that they do not encour-

nterested in the Mediterranean and Brazil
he cod fishery.

' they complained was interfered with?—A.
the fish, and the fish not taking bait in con-
son being comparatively limited.

days you were on the station, I understand
tly saw American vessels outside the three-
one lying-to fishing?—A. Outside the limits
way, either beating to windward or going to
at I ever saw one fishing; they were always

• from personal observation or from the fish-
ore, whether the best fishing was within the
?—A. Within three miles, without a doubt.
no two opinions on that point?—A. None

ience and observation go, the outside fishing
unt whatever?—A. That is my opinion, not
n my own station, but from information I
t Charlottetown, with respect to Prince Ed-
not, however, on my station, and with which

information to the contrary?—A. None at
returned to the gulf officially after 1870?—

at a large portion of the fish which was caught
rican fishermen that year, was sent to Char-
om there as American fish?—A. It was gen-
it was reported there that Nova Scotia and
tter prices at Charlottetown than anywhere

one parties there. There were two steamers,
thambra, that ran direct from Charlottetown
—A. Yes, to Boston. I think there was an-

ow often they went a week?—A. I cannot say

ped by them?—A. Fish were put on board

f transshipping by American vessels come
when you were there?—A. Yes, one case oc-
ie Olara B. Chapman, of Gloucester. It was
the port. She landed fish which was trans-
iuk.

l them?—A. At Charlottetown. It came to
ing behind an officer with a boat to watch.
your personal absence?—A. Yes.

any transshipping having taken place at
was not within my station.

in the same coasting any other year than

Q. You have named the different British vessels that were there?—

A. Yes.

Q. And how many Canadian vessels were there?—A. Those I fell in with were the England, La Canadienne, Stella Maris, and Ella G. McLean.

Q. How many others did you hear were there?—A. I don't know what others were there except the Lady Head on which was Captain Scott.

Q. Have you any means of knowing how great was the expense of keeping up this watch on the fishing-grounds?—A. Do you mean men-of-war or Canadian vessels?

Q. Take whichever you know about?—A. The expense of the men-of-war must have been extreme, because our orders were to cruise with fires banked ready to use steam at any moment. In my own ship it was a case of constantly keeping up steam.

Q. Perhaps you can estimate in round numbers the whole cost to Her Majesty's Government of maintaining vessels on the fishing-grounds that year?—A. I cannot.

Q. Would it be more or less than £100,000?—A. I can hardly say; I should be sorry to commit myself to any amount.

Q. Perhaps you would be willing to make an estimate of the outlay by your own vessel?—A. My own vessel was coaled twice, as far as I can remember, taking in each time 200 tons.

Q. Without giving the figures, you believe the expense of maintaining those vessels would be an extreme one?—A. Yes.

Q. You did not succeed in effectually driving outside fishermen from the inshore fisheries of the coast?—A. As I passed along they went out, and when I had passed by, I am informed, they ran in.

Q. The efforts made, then, were ineffectual?—A. Yes.

Q. And cost a great deal of money?—A. Yes.

Q. I will ask your judgment as to whether it is a thing which can be done without vast expense?—A. It must be an expensive matter at all times to watch a long coast-line.

Q. A vast expense?—A. A heavy expense.

Q. Then, if, for the purpose of protecting the inshore fishery, Her Majesty's Government or the Dominion Government undertook to guard the coast in the way the English coast is guarded to prevent smuggling it would cost a great deal of money?—A. Undoubtedly.

By Mr. Thomson:

Q. Of course, there was a very large expense incurred; there must be that?—A. Yes.

Q. I suppose if Great Britain took a less liberal view than she has done and sent men-of-war to the Gut of Canso to catch offending vessels as they went through, there would not be much trouble or expense in seizing them?—A. Clearly so.

By Mr. Foster:

Q. They would go round Cape Breton?—A. They might go round Cape Breton.

By Sir Alexander Galt:

Q. You have mentioned that there were American war-vessels also in the gulf. Do I understand they were sent out by the United States Government to co-operate with you in preventing encroachments?—A. Yes; and we were ordered to co-operate frankly and cordially with them.

ments were in accord both as to incurring
 cease?—A. Yes.

No. 22.

s of age, fisherman, Louisburg, Cape Bre-
 Government of Her Britannic Majesty,

7 years have you been engaged fishing?—
 ew how to go in a boat. I have been fish-
 or 25 years.

ishing during that period?—A. I have been
 leurs, and all round this coast; but prin-
 lay Chaleurs.

nally at other places?—A. All along the
 ickerel.

ding a vessel?—A. Yes.

?—A. Fifteen years.

yourself or other parties?—A. To other

American vessels?—A. American.

ncetown.

?—A. I sailed from there about every time

onnage of the vessels you commanded?—
 80 tons.

ion where you carried on the fishery at the

?—A. We fished on Grand Banks.

A. Cod and halibut.

oyage occupy?—A. Sometimes two and
 ne as long as six months.

, what do you do with it?—A. Carry it

ie owner takes the fish and makes them.
 ickerel, either to American waters or Bay

visited, Canadian or American waters?—

for mackerel on the American coast; but

falls, in Bay Chaleurs and on the shores
 and other places.

ssels have you seen fishing with you?—A.

merican vessels, and we went together.

ssels have you seen fishing for mackerel

ers?—A. I should thiuk as many as 300

ing the coast. I did not count the fleet; I

ie best of your knowledge?—A. I should

could extend.

ishing, for mackerel or cod?—A. All for

he coast were they generally fishing?—A.

se to the rocks till they got away off 15
 catch fish.

sels how many were fishing within three

Q—A. Off Flint Island, which is about one
e season for American vessels to go into Bay

mackerel on the American coast?—A. Yes.

Q—A. It is taken all
an to Cape Hatteras. Early in the spring
I catch mackerel. They follow the mackerel
ie mackerel goes west and afterwards south
shermen follow them right along. But they
entiful, on account of the seining which has

p along the shore in American as they do in

re are mackerel generally taken in American
n away off, 15 miles sometimes.

n the high seas?—A. Yes; when they come
eorge's Banks they are taken, and the Banks
nearest land. They are taken by American
hore, when they can get them on these shores
. They are always catching fish wherever

is the largest portion of the mackerel caught
ast or outside?—A. The largest quantity is

icans fishing for cod in Canadian waters, in-
ot long ago I saw one up here, a little to the
here. She was fishing for cod; her dories
I was on board of a vessel going outside.

trawling the same process?—A. No; the
looks half a fathom apart.

ich with trawls?—A. I have seen but very few
seen them used on the George's Banks by
er saw many round Cape Breton and Bay
aw.

ation to offer as to why mackerel are not so
ago?—A. Yes; I have. It is due to over-
ht up so much that there are not so many in
me with the cod and halibut fisheries. I have
is on these shores, where as a boy I used to
yet I have not taken one halibut.

og destroys the fishery?—A. I know by ex-

on base the opinion you have stated?—A. If
three-mile limit yesterday, perhaps they are
ant the fish we go where they are and we
are to be found.

ie habit of fishing for halibut?—A. Most of
been on the Grand Banks in connection with
t to the Grand Banks after cod and halibut,
leurs for mackerel.

Banks or in Bay Chaleurs you remarked the
sters. In the inshore fisheries.

8.

merican vessel take a good haul with seine or
on one take a fair haul.

Q. What schooner was it?—A. The William T. Smith of Gloucester.

Q. When was that?—A. I think four years ago, in 1873.

Q. How many barrels did they catch at one haul?—A. Eighty barrels the captain told me. He was in the harbor drying them and I was going out. I said, "Where did you catch your fish?" He said, "Right at Low Point, outside, close by." I have also seen him shoot his mackerel seine inside Low Point; but he got no catch, and I have seen the same thing done by a great many others.

Q. Does a seiner carry more than one seine?—A. Some of them have carried two seines of late years; one for deep water and the other for shoal water.

Q. What is the effect of the seining on the schools of mackerel?—A. It frightens the mackerel. I saw the Schuyler Colfax, of Gloucester, on the same day as the W. T. Smith took 80 barrels at one haul, shoot her seine eight or nine times round fish and never take any. The fish were going southward, and it is pretty hard to pursue them when in going that direction. The fish were so keen that they got out of the seine before they could be captured. That scared the fish and was an injury to the fishery; it would have been better if they had taken those schools, in my opinion.

Q. Seining has the effect, then, of breaking up schools of mackerel?—A. Yes; and of scaring them off shore.

Q. Where do the Americans generally get their bait for mackerel-fishing?—A. They take some from home, and they get a supply here when they need it.

Q. Do they fish for the bait or buy it?—A. Both; they buy it mostly. I should say.

Q. What bait is used for taking mackerel?—A. Herring and what we call slivered menhaden or porgies.

Q. Menhaden is not a Canadian bait?—A. They take it from home.

Q. I refer to bait taken on our shores?—A. They are herring.

Q. Which they either fish or buy?—A. Yes.

Q. Have you seen any American vessels transshipping cargoes?—A. I have.

Q. Is it an advantage to them to be able to transship?—A. I should suppose it is a great advantage.

Q. Describe in what way.—A. If a vessel comes into Canso from North Bay with 500 barrels of fish, she has her trip. The fish can be put on board of a steamer for Boston, and the fishing-vessel will take her outfit and go right back to the fishing-grounds, and before the steamer arrives at Boston she will have made another trip. That is where the advantage is, and it is a very big one.

Q. How long would it take an ordinary schooner to go with a cargo to Gloucester or Boston, unload, and return?—A. That would depend upon the wind and weather.

Q. How long, supposing she had fair weather?—A. She could not do it in much less than three weeks.

Q. Is not that sufficient time sometimes to make another trip?—A. Yes. If mackerel are plentiful, with a seine a vessel would take a trip in one day if she did not carry more than 250 barrels. In one day she may have a trip. If the mackerel were plentiful, and the vessel required 500 barrels for a trip, she would take the catch in three or four days at most.

Q. Even with hooks?—A. Yes; with jigs. It would not take more than five days. They have crews of 18 or 20 men.

Q. So that if the fish were abundant, the vessel might lose two

n to Gloucester with the cargo?—A. Yes;

their open boats fish to advantage with
?—A. I have seen them altogether fishing

embarrassed with the American schoon-

When they are together the boats are in
is any small vessel when it gets into con-

brown out close to shore by Americans?
A. Yes.

. Yes.

boats fish where trawls are laid out?—

he trawls prevent them?—A. There were
e close to me, and I went outside and got
fere with them, still I was on their ground.
to set any trawls, but I made some flying

ally caught?—A. Herring is caught all

?—A. No, close in; in the harbors some-

is fishing for squid and other bait?—A. I
id.

ht?—A. In several places. A great many
little to the north of Sydney.

—A. In the harbor and inshore.

Yes; in Sydney Harbor they catch them,

imp?—A. Yes.

imp in splitting the mackerel?—A. They

enerally remain?—A. They keep inshore
e.

cans drying their nets ashore?—A. Yes.

em that they are able to do so?—A. I

It is an advantage I like to see myself.

ave to dry the nets on board?—A. Yes,
ll.

ie at certain times on board?—A. Yes,

d, what becomes of the offal?—A. It is

owing the offal into the sea?—A. A very

A. It is an injury to the fishery.

don't know but that it will kill fish if they
it.

verboard, do you generally find the fish
them away from the place and perhaps
also an injury to the spawn in the spring,
fal were thrown overboard when the fish are
he injury would be as great; but it is kept
wn overboard, and the injury it then does

Q. Have you, during the fifteen years y
ssels, seen many Canadian vessels fishin
o, I have seen but two during that time.

Q. Where were they from?—A. That
member seeing them; it is fifteen years a
el with us in the fleet.

Q. Acquainted as you are with both Am
you think it is a valuable privilege to U
h up to 39° on the American shore?—A.

ey have no need to go there; they have tl

Q. What quantity of bait do you take w
go mackerel fishing?—A. It is according

e fitted for 500 barrels, we will want 40 b

e take a few clams with us to help to g
ams go to the bottom quickly.

Q. When this bait is exhausted, you buy
r bait yourselves?—A. Yes.

Q. So if the Americans had not the pr
ould they have to do?—A. Either to go l
ore, if the Treaty of Washington were n

Q. So if they could not fish for bait, the
. Certainly.

Q. If you were to have the choice of ex
hing within three miles of our shores a
ity imposed on Canadian fish in the Am
rrel on mackerel, or of having Canadian
ates and having Americans fishing with
r?—A. I don't want to see the Americans

it I would like to see something more or
r I don't consider it any benefit whatever
ve their fish go into the American market

Q. Why?—A. They ship their fish to
ants buy them and ship them where the
merican vessels fish from Cape Sable to
t of the fisheries.

Q. No benefit from the free admission
ates?—A. I cannot see where they get a
mewhere or other, but I cannot see it.
ritish fish goes into the American market

Q. Are the Canadian fishermen whom y
hing and cultivating the land or to fish
I know are fishermen. At Gaberose th
ouisburg there are 65 boats; round Asque
rge fisheries; at these places the people d

Q. If the fisheries around the coast we
ey would be deprived of all their resourc
nment would have to support them.

Q. Or they would have to live somewher

Q. You have seen American vessels fish
eorge?—A. Yes; often. Off Cape Sable

||||

Q. How far from the coast are cod taken
med?—A. From inshore to 15 or 20 mile

Q. Where is the largest quantity caught
think off shore at that part of the coast.

g 15 or 20 miles off Cape Sable.

s where the fishing is better inside than out

mes all along you will find it better inshore. Sometimes you will find the fish close in, when they are off shore. American and Canadian vessels make the best catch.

stly in American vessels, have you?—A. Yes, the mackerel down on the southern coast?—

Q.

?—A. Yes.

generally, past Cape Cod. Then from Grand through the Gut of Canso or outside Cape No, sir; not that fleet. In my opinion they are that which comes into the gut or into the bay is the best school of fish. The American school goes on and generally the fish do not go any farther.

you have come to with regard to the school?

?—A. I could not tell you.

?—A. That is as far as the Americans follow

pretty large experience. What, in your judgment, of fish that go to Grand Manan in the fall?—A. It is a hard matter for me to decide, because I have not seen them. But, only we follow them in the spring down.

ish, in what you call the Bay or Gulf of St. Lawrence, are different fish?—A. Well, I could not tell you. But the American mackerel stand well.

they are or are not the same school?—A. I

give your opinion that the mackerel which the Americans catch at Cape May, about there, to Grand Manan were the same?—A. I do not refer to their quality?—

Q.

use the fish come from that come into the Gulf of St. Lawrence, and along the northwestern coast?—A. Where do they come from?

my opinion?—A. No, I have not. They come from wherever it is I do not know. I know it is the same of the year, as if it came from the Gulf

from the southern part of the United States?—A. Nowhere from the southward.

I think they come through the Gut of Canso?

?—A. Both ways, I think.

led by the American fishermen?—A. The Americans follow them.

schools as well as they can, don't they?—A.

inside through the Gut of Canso or outside of it?—A. I have seen six sail the day before yesterday going into the bay. That was only for one day.

of mackerel off the coast of Maine?—A. There

Q. When you fished there?—A. Yes.

Q. Are there a good many British subjects from these colonies and provinces engaged in the American fishing fleets?—A. Yes, sir; there are some.

Q. Can you form any estimate at all of the number that will be on board? Suppose there are 600 American schooners fishing on the Banks, or take those that fish here and on the Banks altogether, can you estimate the number of men from the British provinces?—A. No.

Q. What proportion is there, in your belief?—A. I could not say.

Q. Should you not think, from your observation, that as many as one-third are from the British provinces, taking skippers and men?—A. There are so many different classes of people that go fishing—Portuguese mostly.

Q. And some Americans?—A. Yes.

Q. And some British subjects? Would it not be very likely, if a census were made fairly of all the American vessels that fish for cod and mackerel in these waters or on the Banks—would it not be very probable it would turn out that one-third of the men were from the British provinces?—A. Well, I could not answer that question very well. It is something that I cannot come anywhere near.

Q. Now, you have been in a good many vessels or made a great many trips?—A. Yes, sir.

Q. How has it been on board those vessels you were in?—A. Well, we mostly always had a Portuguese crew.

Q. You were skipper?—A. Yes,

Q. You had some of your own people; were there many of them?—A. Very few, sir.

Q. There were not many native Americans?—A. No, sir. Once in a while there would be a very few.

Q. Now, haven't you had in vessels that you were in as many British subjects on board as you had Americans?—A. Yes, sir, and more; for there are but very few Americans that go fishing on the Banks.

Q. I understand you to give your opinion that the mackerel catch had been falling off for ten years; did I understand correctly?—A. Yes, sir.

Q. Has it been pretty steadily falling off—some years more and some years less, I suppose—but in the main it has been falling off?—A. They are very scarce now; you can get but very few.

Q. Does it look as if it was going on so?—A. I am afraid so, but I hope not; if they continue those seines it will keep on; they are going to kill them here and on the American coast.

Q. Well, they don't use them so much on the American coast here.—A. I beg your pardon, they use them altogether; there is but one vessel out of a hundred that uses the jig.

Q. In the inshore fishery?—A. Yes.

Q. Are you acquainted yourself with the inshore fisheries?—A. Yes.

Q. And they use the seine there?—A. Yes.

Q. It is the purse-seine?—A. Yes; altogether.

Q. Do you think their inshore fisheries of mackerel will be injured very much and you will be injured similarly?—A. That is my opinion if they continue.

Q. It has been said there is a better prospect this year than for the last many years; do you think so?—A. I do not see any better prospects, sir. I do not see it so good. The fishermen on our coast have not done by one-third on an average as well as last year, so far.

Q. With reference to halibut, that is deep-sea fishing, is it not?—

if somehow or other; they did not used to very close inshore.

ight inshore, but would not you say cod was

e?—A. Yes.

, a Mr. Vibert, of Perce, in the county of ; were altogether caught within the three-
ption. He says, "That is, I believe what I
fishermen; they have told me that halibut
water" (reads from page 110 of the evi-
that was a mistaken statement?—A. Yes.
ry winter, in fact they go the whole year
summer they get halibut in shallow water,
to fish in 100 fathoms of water.

er fish, as a fish, but you can catch them
caught inshore.

mselves pursue the halibut fishing except as
es; they take them anywhere where they

his coast the Americans fish for halibut?—

ey find them, but do they undertake as a
libut inshore?—A. Certainly; the treaty
em in our harbors if they can.

ey can find them; but I speak of it as a
thing they cannot get them inshore. They

en, when they catch them in deep sea or the
em in ice, don't they, and take them as
markets?—A. Yes.

to be taken as quickly as possible into the
ery thick and fat, and it will not keep very

icans that come here to fish. You consider
them, do you not, to be able to trade here
to buy whatever they want in the way of
I do.

siness been going on, do you think?—A. It
it say how long.

n a little of it, perhaps?—A. I don't know

t the treaty, but simply as to your own ex-
ling to your own belief, has it been going
ago, anyhow.

in the last ten years?—A. Yes.

has it not?—A. Yes.

ment that the Americans would be likely to
s instead of going back home? Consider-
ipping, and the fact that it enables them to
e, do you think it would be likely that this
trade?—A. It would be very advantageous.
I do it, for it gives them a chance to go right

y well established business on shore, has it
in the Gut of Canso and along there?—
; of it is done.

Q. And merchants go there to set up?—A. Yes.

Q. And as far as you know is it reasonably profitable to them also?—A. You mean those that come from the States to do business here?

Q. Without respect to where they come from, it is reasonably profitable to the persons who engage in it or they would not be likely to stay in it?—A. You refer to the transshipping?

Q. All those persons who own wharves or docks and apply them to this purpose, from whose wharves the fish are transshipped, who find barrels, bait, and such necessities as are sought for, is it reasonably profitable to them?—A. Well, I don't know. I suppose Americans and Canadians both are interested in the boats. It is done through them. How it is done I could not say. I know they send them by the boats. I don't know who gets the benefit.

Q. What boats?—A. The Carroll and other boats that run to the island.

Q. Take the whole business, the refitting and supplying, as well as the transshipping, of course you cannot state what profit either side makes, but still it is probably a profitable business or it would not be carried on by so many persons. Have you ever heard any complaint made against that business?—A. No; but there was a time when we could not do it at all.

Q. But now, since both sides have become engaged in it, you have not heard complaints, have you?—A. No, sir. I don't have much to say to any of those who are engaged in it.

Q. When you were in an American vessel did they transship—when you were a skipper did you do it?—A. No; but I have seen other vessels do it.

Q. You never transshipped?—A. No; because I only made a short trip. I went to the Banks for codfish first, and then in the Bay Chaleurs for mackerel. I did not want to stop any longer after I got a haul.

Q. What did you do with your codfish?—A. We landed them for the owners.

Q. Where?—A. We went into Provincetown.

Q. How far is it from Provincetown to the westerly or southwestern edge of the Banks?—A. 1,000 miles.

Q. The owners preferred to have the codfish brought home?—A. Yes; we could not do any other way with it, because the fish had to be cured, and there was none of the American firms down there to cure. That is, mackerel that is transshipped.

Q. But you were not catching mackerel?—A. Of course, there it was not to be had.

Q. Now, when you had gone to Provincetown and delivered up your codfish to the owners, you then came here on an independent voyage for mackerel—what I would call another trip?—A. After that we fitted out at Provincetown.

Q. Yes; with bait, barrels, and all you needed?—A. Yes.

Q. And you made but one mackerel trip?—A. Yes.

Q. And when you caught them they were taken back in the same vessel to Provincetown?—A. Yes.

Q. So you never had occasion to engage in this new business?—A. No; I never did it myself. I have seen it done, that is all I know.

Q. When you came here did you have bait enough shipped in Provincetown for your trip?—A. No, sir; many a time I took bait here.

Q. You would get some bait from there, porgies, and sometimes clams. I think you told us?—A. When we went for mackerel I generally brought bait from home; that is what I mean.

sh and started off on a trip to the Bay or mackerel. The bait for the mackerel you got and for the cod-fishing voyage in these har-

icans do it mostly now for cod-fishing. in Provincetown for codfish, had you bait I have stated that I got it many a time in Provincetown, but it is salt bait.

codfish as it is to mackerel?—A. We come to the Bank, and then when that is gone and get more to finish our trip, and go

nes to get bait for codfish; that is, you don't town?—A. It is not so good; it is salt; it to get it here, and therefore it will keep so

America do you come to?—A. We run into

; is in the Province of Nova Scotia, in the north of Sydney. Sometimes we go there, and sometimes to Sydney.

usually and not Nova Scotia that you go a thing.

tically. It is not within Nova Scotia proper, a get bait?—A. Yes, and sometimes we go into Halifax, sometimes into Prospect.

Halifax, as being the most convenient, un- e bait cost any more here than in the places No.

f course, if you can get it, that is, quicker i don't fish for it unless you are obliged to; we have the facilities for catching bait.

at once and buy it, or ship it on board at Yes.

atement that the American vessels will buy Yes; they buy it if they can; that is——

bait, do they usually catch it themselves, or ople on shore, who have the appliances, and vessels take hold and help them?—A. Well, they catch it; that is, they catch squid. I ing for bait. I have seen them catch squid ve to be caught by a jig; that is what we

s, the Americans don't dry their nets on the They pickle their nets?—A. They dry them ys keep nets.

y great extent, don't they?—A. Oh, they do

n the harbor; and at sea?—A. Just wher- id.

o American to land to dry his nets merely?— American does not carry but very few nets.

ou say, they carry very few nets?—A. Yes;

er purpose, use their nets; is there much Americans to dry nets of any kind, or for any

purpose? Has it not nearly passed out?—A. No; I think not. They do it now.

Q. Is there much of it?—A. Yes, sir; if they are in the harbor and their nets need drying, they will carry them on shore.

Q. They do not come in for that purpose, do they ever?—A. No, I should think not.

Q. You told us you thought the treaty in giving you full right to sell your catch in the American ports without duties, was not a benefit to the fishermen?—A. Yes.

Q. If it is a benefit to anybody here the fisherman would get the benefit of it, would he not, indirectly or remotely? Say they are brought to Halifax. If the Halifax exporter who sends them to the United States gets any benefit from them, the fisherman will too, won't he?—A. A very little, I think.

Q. You think the benefit would mostly stick in the hands of the merchants?—A. The poor fishermen do not receive much.

Q. Do you think that is so with all commercial relations, however beneficial it may be to the merchants to sell, you find that the fisherman does not get much?—A. No.

Q. Don't you think he gains anything by the improvement of his market?—A. I do not think it is much improvement to the market.

Q. That is not what I asked you. I asked you whether the fisherman does not gain, as a general thing, by the improvement of his market. If anything does improve his market he gains by it?—A. I do not think it improves it.

Q. I did not put that question. I want to know whether in your opinion if the market is improved—I do not speak of the Treaty of Washington at all—but if anything happens that improves the market and causes a greater demand for the fish caught in the Province, don't you think the fisherman gets some benefit from the improvement in the market?—A. On the price of his fish? I don't hardly—

Q. It is not necessary that he should take the fish himself in order to get the benefit of the increased demand. They might be sold through the merchants and still he might have some of the benefit?—A. But they get the cream.

Q. Has that opinion been pretty generally disseminated among the fishermen?—A. Why they know it. They do not get enough to pay for the injury that is done them by scaring their fish off.

By Mr. Doutre:

Q. The gentleman who examined you asked about the fisheries on the coast of Maine. You were formerly there and used to fish there on the coast of Maine?—A. Yes.

Q. That was mackerel?—A. Yes.

Q. Is there mackerel there still?—A. It is carried on there now in its highest—

Q. You stated that in their own waters they were using the seine for catching mackerel?—A. Yes; almost altogether seines.

Q. Well, you were asked if the Americans were generally seining inshore, that is to say within 3 miles from the shore. Is that the place where they catch mackerel in their own waters?—A. No, not always; they catch them offshore and inshore.

Q. So that when they are seining it is everywhere where they can catch the mackerel?—A. Yes; it is the way of fishermen and especially of Americans to catch them wherever they can, provided the privilege is allowed. He will come into the harbor if they are there and be

es give a very good privilege to seines, be-
s close to the land. That gives plenty of
to the bottom. So they have a very good

greater advantage to seine inshore than on
at all. But on the American shore they
the shallow water; it will catch the seines
coast the water is very deep close in to the
tageous.

it is more easy to use the seine on our shore
Yes; there is deeper water.

ht of Prince Edward Island; is it true that
it there is a bold shore there?—A. Yes, sir.
he water is bold off the bight of Prince
side?—A. Yes; it is bold.

bold?—A. It is bold enough, 6 or 7 fathoms.
in 5 or 6 fathoms.

ie shore would 7 fathoms be off the coast of
Close in, very close. I have been anchored
fathoms of water.

nd is that you speak of? Point out on the
er is bold off the coast. A. (Points to map
ing the north shore, in the neighborhood of
sens and Kings.)

old?—A. There is no harbor there. There
boat harbor.

No. 23.

Steep Creek, in the county of Guysborough,
the Government of Her Britannic Majesty,

place called Steep Creek, on the east side
swer. Yes, sir.

dle of the strait?—A. It is about midway
occupine.

at your place?—A. A mile and a quarter

the island?—A. Yes. It is narrower in

part of the strait?—A. It is narrowest at
three-quarters of a mile wide.

there as a merchant?—A. Yes.

have you been in the fishing business?—
e I first commenced.

nd have you been continually in personal
an fishermen?—A. Yes.

nally fishing on the Magdalen Islands?—

es.

se coast of Nova Scotia and Cape Breton?—
he Newfoundland coast.

Q. Have the American fishermen traded with you?—A. They have traded some, more or less, for thirty years, with my father or with me.

Q. With your father and then with you?—A. Yes, sir.

Q. Take the period during the Reciprocity Treaty; about how many vessels, to your knowledge, were there passing through the strait engaged in the bay fishery; what you call the bay fishery, the Gulf of Saint Lawrence fishery?—A. Well, I should say, to the best of my knowledge, 400 or 500 sail.

Q. That you knew of?—A. Well, I did not know of them all, but to the best of my knowledge by what passed and repassed.

Q. By what passed that you either knew of personally or heard of?—A. Yes. I would say that some years there were a good many more.

Q. How many have you heard as the highest number?—A. I have heard of 700 sail, but I do not say that is correct.

Q. Do you know how many American vessels fished for herring at Magdalen Island?—A. An average of 25 to 75 sail, some years.

Q. Now do you know, from what you have heard from Americans or what you know yourself, how many American vessels have been in the habit of fishing for cod fish; what you call the cod-fish fleet?—A. I should say 300 sail have touched our shores from what I have heard.

Q. The cod-fishing fleet?—A. Yes; some years more and some years less.

Q. How many barrels of mackerel would these vessels you have spoken of take? How many barrels of mackerel would they take in the course of the season, according to your best knowledge and information, on an average?—A. Well, I have known them to catch over 1,000 barrels, some seasons, down to 300.

Q. I would like to know what you would put down as a fair estimate of the number of barrels per season, taking the large number of trips, that is three trips down to one trip.—A. Well, taking from three trips down to one, I think I would be safe in saying 600 barrels for the season. That is for an average. I don't mean to say all seasons.

Q. Now, I think you gave me a memorandum from your book. You made a memorandum from your book for one year, 1864. Was that good year?—A. That was a fair year for mackerel fishing.

Q. I believe there were certain years that were better?—A. I think there were full as good, and some probably worse.

Q. I would like to know, because I want to know exactly what the state of the matter is. Do you take 1864 to be the best year or not?—A. I am not aware. I don't think 1864 was any better than 1865.

Q. Then were there other years nearly as good?—A. Yes; 1863 was nearly as good.

Q. Then were there a number of other years when there was very little difference?—A. There was a number of other years when there was not much difference.

Q. You have taken those names on the memorandum referred to yourself from your books?—A. Yes.

Q. They cover 25 vessels where the parties dealt with you?—A. Yes, those were the names where the parties dealt with me.

Q. Now you have made this up, and there is an estimate at the bottom, giving the names of the vessels and the number of trips that they made each?—A. Yes.

Q. There are 25 vessels; 14 of these 25 made two trips that season 1864, and eleven made three trips?—A. Yes.

Q. And one took both fares home?—A. Yes; she sent one fare and took two home.

as they came from your books?—A. Yes.
 her you took the number of barrels they caught
 t, because we did not put the number down.
 old have to be called here.

ou whether the American fishermen formerly
 ir traders, with men in your position, than they
 formerly a great deal more than now.

, how do they get their supplies, their sails,
 ?—A. Well, they almost always send for bait
 e for them in the strait, wherever they stop.
 pork, and stores of different kinds from home.
 of their having brought them from the south
 ward Island by rail. Do I understand you
 se things here from the States and land them
 knowledge.

rom the States?—A. Sometimes in the steamer,
 ailing-vessels bound to the bay, sometimes in

the strait, and the fishermen come from the
 Yes.

ose things at your wharf?—A. Yes; 20 bar-
 there last week from one vessel and 10 from
 s also.

ther instance?—A. Every year this occurs.

landed stores at your wharf?—A. They have

ose stores on your premises now?—A. Those
 ere.

as been landed at other wharves?—A. Yes.

with you a great deal more than at present?

with you?—A. To a small extent.

essaries?—A. Nothing more than necessities.

not get from home conveniently?—A. That

re for; some little stores. Oftentimes they

o get these things if they were not landed in

r four weeks ago a cod-fishing vessel came in

ie could not land, she would have to go home.
 ber bait and sails.

id home for those things?—A. She had sent

ey got from you?—A. They got the balance
 t some little outfit.

ether those American mackerel vessels are or
 transshipping their cargo?—A. Yes, sir.

hey transship?—A. Well, they land at Port

keabury on one side of the strait, and at Port
 nd Steep Creek on the other.

ny advantage to them to be allowed to trans-
 lvantage.

, what do you consider that it saves them?—

an make another trip by having the privilege

owned a small vessel yourself, engaged in the
 correct?—A. Yes, sir.

ge?—A. Forty-four tons.

Q. Do you recollect in what year you owned her?—A. Yes; 1863.

Q. Was she new at the time?—A. Yes.

Q. In what year did you first send her fishing?—A. 1863.

Q. Did you use her as a fishing-vessel solely or entirely?—A. We used her in the spring of the year commonly. We went to Boston and then traded.

Q. I understand you used her as a trading-vessel; but during any of these years, from the time you first owned her, did you ever use her solely as a fishing-vessel or a mackerel vessel?—A. No, not the whole season.

Q. Not solely as a fishing-vessel during any year? You used her more or less for other purposes?—A. Yes; in the coasting trade.

Q. Now, I would like to know in what year you used her more for fishing than any other years?—A. Some seasons we would not go until August; sometimes we would go in July.

Q. Take the years 1865, '66, and '67; did you use her more in the years than in any others as a mackerel vessel?—A. I think in 1864, my memory serves me, we used her longer for other purposes than any other year.

Q. What year did you use her more for the mackerel fishery?—Well, I think, to my knowledge, I never knew her to go for mackerel before July.

Q. Take 1865. What time did she go in 1865, and how many months did she fish in that year?—A. I am not prepared to say.

Q. Well, I do not want the exact dates, but as near as you can recollect?—A. I think that either in 1864 or 1865 she was eleven weeks.

Q. Do you know what she netted?—A. In one year she netted \$2,200.

Q. That is the year she was that number of weeks, whichever year that was? A. Yes. The crew took half, and paid for half the bait and half the bait. The vessel pays for the salt, the provisions, half the bait, and the hooks and lines.

Q. Well, the next year after that, whatever year that was, how many weeks was she there?—A. I think she was a little longer.

Q. What did she net that year?—A. About \$1,800.

Q. What did she net next year again?—A. About \$1,400.

Q. How long was she that year?—A. I am not prepared to say. She was trading the first part of the season.

Q. Mr. Foster wishes to know whether the sums you have given are the results of the fishing-voyage alone?—A. Yes.

Q. And this is irrespective of what she made at trading?—A. Yes, sir.

Q. That is the actual division of the fish between you as owner and the other persons engaged?—A. Yes.

Q. Were they engaged on the same principle as the Americans?—Yes; they paid for half the bait.

Q. If there was any other year when she was engaged about the same time in fishing, you will mention it.—A. Other years she was probably not so long. Some years she did not go until August. I do not know exactly. I could tell if I looked at the dates.

Q. Do you think the sums you have mentioned give a fair estimate of what she could make in good years fishing for that period of time?—A. Yes, fishing.

Q. You never had her for a whole season?—A. No. You would not go from the 15th of June to go into mackerel fishing for the whole season.

ast year?—A. She was trading until July.
le.

ably a month or six weeks.

t all?—A. They got about 80 barrels. Last
he ever made.

did she net?—A. About \$600.

ding out of that?—A. She did not go into

um of \$600, do you mean the actual profit to
ctual profit to the vessel.

o the crew?—A. \$600 went to the crew and
did not speak of the crew's half at all.

0 in that best year?—A. Yes. I only speak
sel.

ssel?—A. We had the J. M. Maguire in 1865,

he autumn of one year. I had vessels pre-

ount?—A. No; I did not.

by them?—A. We made by them. I never

ome other year?—A. In 1865 we had the J.

y her?—A. We did not lose. She got 300

nt?—A. She came in about the middle of

out?—A. In August.

A. Three hundred barrels of mackerel.

ssel?—A. Three hundred barrels.

t?—A. I made money by it.

ge?—A. One hundred and fourteen or 115
year. She got 500 barrels. I had her no

of this time?—A. She was coasting part of

.I us are there many other of your people en-

—A. Keating has two vessels.

any?—A. There are a good many.

3, was that a fair average or not that you
good fair average.

ence is a good fair average of the profits of
Yes; that is a good average.

ese years to some extent dealing with the
don't object to it?—A. Not at all.

a fair, candid opinion as to whether that
een profitable or not?—A. I certainly came
opinion.

at you had with the American fishermen—
d that you were making a good profit on
ll, in all seasons.

de of late years?—A. It has not been worth
ne, anyhow. I speak from personal experi-

?—A. As far as my knowledge goes, they
y any way.

Q. Is it or is it not because the Americans simply now take what is a necessity, and don't trade generally with you?—A. The Americans don't trade very much.

Q. Is or is not that the reason why it is not worth having?—A. Well, the profits never were very large in my opinion. In the first place you had to have a very large supply. If you didn't have it you couldn't trade, and if you had it and they didn't take it, you had to carry it along.

Q. Well, do you think it is an advantage to them to be able to get what they require—what is a necessity to them?—A. If I have a vessel in the bay fishing, and she wants \$50 or \$100 worth of stores, it is certainly an advantage to her to get what she wants there, and not have to go home.

Q. Or sending home?—A. Yes.

Q. You have, of course, conversed with a very large number of American fishermen, and have been in constant intercourse with them throughout this period, I presume?—A. Yes.

Q. I would like to know, from your experience of your own vessels and from your knowledge derived from the Americans themselves, at what distance from the shore the fish are caught?—A. Most of the American captains I have been in conversation with say inshore.

Q. I would like to ask you, as a practical man, engaged in the business to some extent, whether you would engage in the mackerel fishing business if you were deprived of the fisheries within three miles of the land?—A. If I had this hall full of gold I would not invest \$100 in a vessel that could not fish inshore, inside of the three-mile limit; to be harassed by the cutters, I would not do it.

Q. Do you know of any American captain whose opinion was ever expressed who would come in if not allowed to come within three miles of the shore?—A. I think at least three-fourths of them would not come if they were deprived of the privilege of coming in.

Q. Have you ever heard any of them?—A. I have heard them say time and time again it was no use to come if they could not fish within three miles.

Q. Have you heard any American captains say they would come if they were shut out?—A. To the best of my knowledge, I have never heard a man say so. I could tell you something I probably ought not to. I have told my own captain, when at Margaree, to hoist a flag when he was there to let the Americans know when they could come inshore.

Q. You have always been on the best terms with the Americans?—A. Yes. They are my friends, many of them.

Q. Now, I believe you owned a drag-seine?—A. I have owned one for the last 20 years.

Q. What is the cost of a seine like that?—A. That cost me, landed here from England, £110.

Q. What has it been used for during these 20 years?—A. Herring.

Q. Who used it for 18 years; how has it been used for 18 years?—A. The Americans had it, or they had the fish caught with it; sometimes with the seine itself.

Q. For about 18 years they used that seine; what for?—A. To haul fish.

Q. Where?—A. At the Magdalen Islands.

Q. In their vessels, or where?—A. To haul herring on shore.

Q. They could not haul them in the vessels?—A. They had to haul them on shore first. It was once used on Labrador.

Q. By whom?—A. By the American fishermen.

What has been the practice with regard to the
A. The same as it was before.

in this?—A. They gave so much for the use

the owner?—A. Most owners have to send

d a man with that one?—A. All but to Lab.

persons that used it? Did they hire our own

sw?—A. They hire two boats and two men;

ires three boats.

at way, or do they use their own crew?—A.

—A. Invariably. If they are in a hurry they

in Islands or keep a man for a few days.

atching what sort of fish?—A. Herring.

know where those herring are exported?—A.

7 have been to Sweden.

de?—A. It is.

itable?—A. I can't answer.

nderstand?—A. They have got, I believe, as

een informed, is it likely to be a growing and

can't answer that.

information on the subject?—A. I have no

sh fleet amounted to 300?—A. About that, to

Canadian waters?—A. They get bait always

and Manan to the bay of Chaleurs.

!—A. Yes; they also procure bait around

it?—A. They sometimes catch squid for bait.

well?—A. They purchase herring, mackerel,

for the American codfishing fleet to carry on

not procure bait in Canadian waters?—A.

t.

is an essential element in the business?—A.

! be no use to take fresh bait without ice.

ier codfishing vessels have, in any particular

e in catching mackerel?—A. Sometimes they

four that have.

of others doing so?—A. Yes.

—A. I have heard of some doing so.

at 50 and some lower number engaged in the

uk I stated from 25 to 70 engaged in catching

; probably more do so.

as in any other way besides drawing herring

ioned? Do they use the shores of Magdalen

—A. They land barrels on the shore, and some-

iere. I have seen them do so.

ie in connection with the carrying on of the

arge vessel goes to the Magdalen Islands she

rd the vessel—she has to land the barrels.

Q. You spoke of a vessel that caught 500 barrels of herring; do you know what profit she made?—A. I could not say.

By Mr. Foster:

Q. For how many years have you personally fished?—A. I cannot exactly say. I have fished for a good number of years.

Q. I do not know whether you have chiefly spent your life in trading or fishing?—A. I commenced to fish and went to sea, and afterward began to do business as a merchant.

Q. Did you ever fish in American vessels?—A. No.

Q. Which was the last year when you were personally fishing—was it the year when you were to Newfoundland?—A. No; I went to the Magdalen Islands.

Q. Did you not say that you went to Newfoundland one year?—A. Yes; that was about twenty years ago.

Q. What did you go for?—A. Herring.

Q. Did you go the Magdalen Islands afterward?—A. Yes; the next year.

Q. In each of these cases did you take a seine along?—A. During two years I did.

Q. What did you do with the herring you caught?—A. The Americans took them.

Q. The Americans helped you to haul the herring and bought them?—A. Yes; and Nova Scotians, also.

Q. In both cases, how did they pay you—so much for the haul, or so much a barrel?—A. They paid me so much the barrel. I suppose you come down to the fine thing, that they averaged three cents a barrel.

Q. During some years, as I understand it, you have caught herring without the help of Americans?—A. We have always sent our vessels and they caught their own herring.

Q. How large is your vessel?—A. Forty-four tons.

Q. How many men were in her?—A. Six.

Q. When you sent your vessel with six men did your men or the Americans catch the herring?—A. Our men caught the herring and the Americans also. They helped the Americans on some occasions.

Q. And they were then paid by the barrel?—A. Not at all times. Yes, I think that for four or five years the Americans seined themselves and our folks got none.

Q. When they had the seine themselves did your boats go up with it?—A. Our men and boats went up; either one man or two men went with a seine.

Q. But with no boats?—A. With one or two boats.

Q. Would there be two of them?—A. There would be sometimes two and sometimes one.

Q. Then you always contributed your seine and one or two seines?—A. One seine-boat is all you want with a seine.

Q. And never two?—A. Not for the seine. I said that the Americans hired two boats sometimes, and sometimes three.

Q. Of you?—A. Of me or anybody else.

Q. Have you had more than one seine to a boat?—A. No.

Q. With reference to the circumstance that the Americans are bringing a less quantity of supplies from your people than they did formerly and particularly to the cod-fisherman who refitted there and sent home for his bait and seines, you do not, of course, have the bait here that they want, unless it comes from the States?—A. They buy some herring and other bait of us, but they chiefly send home for it.

A. Pogies and clams.

are for sale unless they are imported?—
I think the pogies we sell.

For the manufacture of sails in your vicinity there, one at Hawkesbury and one at

Windsor to get them there?—A. Undoubtedly

in the first place, the owners send down
as a sail-maker at home, and certainly
as at home and make the sails there.

Imported from the States?—A. The cotton

in his business of selling supplies to the
army has been engaged so long, prove most profitable
for a few years during the war.

During the war?—A. It was not then so profitable.

For a few years during the war it was

the war was over, in 1866, 1867, or 1868?—
They were buying licenses, a great many

American vessels engaged in mackerel
in the Bay of Chaleurs, within your observation.

There was a large fleet in the bay in

the August gale took place.

That year for these vessels, was it not?—A.
Yes, of mackerel that year.

What number of vessels came to the bay?—
A smaller number that year.

Is it still?—A. I am not prepared to say

that. There were not so many last year.

Did there were last year?—A. I am not

according to your judgment?—A. I kept no
list of them.

Keep that list of the number of vessels and
mentioned? You said you made it up
from other lists with which we could compare

it?—A. We have the name of every
vessel.

Which your firm traded that year?—A.

How many trips they made was
on each trip?—A. Undoubtedly.

At your wharf?—A. Yes.

Do they go to Boston when they do

Sometimes they do so by steamer and
The latter are preferred for the purpose.

American or British?—A. A good many

's.

Q. In 1864?—A. American vessels were so loaded in 1873.

Q. Is most of the transshipping done in American or in British sailing-vessels?—A. Formerly I think it was mostly done by American vessels.

Q. What is the case now?—A. It is now chiefly done in British vessels.

Q. Is it not a number of years since many American sailing-vessels engaged in that trade?—A. I do not know that it is. American vessels are allowed to come at any time and take away fish.

Q. But do they now come for this purpose?—A. They do.

Q. I thought that trading of that sort had chiefly fallen into the hands of British trading-vessels of late years?—A. When freight is to be got Americans come there frequently.

Q. Have they done much in this direction since the American war?—A. In 1873 I know that they came, because they brought stores for me and took a load back. I do not remember that they have come since 1873. In 1873 one man lost his cargo off deck while going home.

Q. Will you name as many of the firms engaged in this business of furnishing supplies to the Americans in your vicinity as you can?—A. There was McKeen, who has been succeeded by Lawrence. I do not think that the Paints do much at it. At Port Mulgrave there were Hart and Cunningham, and George J. or J. J. McKeen and Levi Hart at Port Hawkesbury. The latter is dead and gone. Peter Paint I do not think has done much in this business. I do not believe that he would be bothered with it. There was a man by the name of Alexander Fraser, but he is dead. Then there is Keatings and Company, and there were the Elliots, an American house, but they are gone. Mr. Wylde comes next, at Port Mulgrave, and Mr. Hartley, in Pictou Cove.

Q. How long is the Strait of Canso from end to end?—A. We call it 21 miles from Cape Red Head to Cape Jack.

Q. And all these men are established in that length of 21 miles?—A. These men did business within a less distance than 21 miles; between Port Mulgrave and our place.

By Mr. Weatherbe:

Q. Are there any other persons engaged in this business in the neighborhood?—A. Not that I am aware of. We call it 6 miles from our place to Port Mulgrave.

By Mr. Foster:

Q. How many are engaged in the outfitting business in Bouche?—A. Mr. Christian lives there, but I do not know whether he is engaged in this business or not. There are no others so occupied from Bouche to Second Point, at the entrance to the strait, and no others besides that I have mentioned on our own side of the Strait of Canso.

Q. How about Cape Breton?—A. McKeen did business there, but Lawrence is now.

Q. Where?—A. At Port Hastings.

Q. Is there any other person engaged in this business in any other place on Cape Breton?—A. Mr. Hart was at Hawkesbury, but he is gone.

Q. I thought that there were others outside of the strait?—A. I do not know of anybody outside of the Gut of Canso to the north except Webb and Crispo.

Q. And north of that there are none?—A. No.

Q. Where is Port Hood?—A. In Cape Breton.

about people engaged the same business in Cape know of a man there so occupied save one—John

Port Hood.

Do you so know of outside of the Strait of Canso?

Is the same business is done here at Halifax, do you say?

Fishing-vessels to stop here for the purpose of re-

Have never been engaged in cod-fishing?—A. No.

Would you to say you thought that if American cod-fishermen and fish in Canadian waters they would not be a cod fishery?—A. It could not be done success-

ful. This could be done by them if they were allowed to?—A. They might do so to some extent.

Would not prosecute them successfully at Newfoundland that they could make it pay all the season. They could not get bait easily enough if they

they require?—A. Squid and herring.

Would that they could get along pretty well with herring?—A. The fishermen would sooner have squid. It is so vessels may go to the Banks—one with herring and one for bait—and the one which has the herring catches much fish as the other.

Would a particular American cod-fisherman were to come to go to Newfoundland or Canada for bait, but to say, why could he not get along there?—A. If they come from Nova Scotia and Newfoundland they could

they do not require compensation for the privilege of coming to trade with them; they like to have this open to commerce; and this is nearly a free port, 10 per cent.; and I want to know why an American vessel would not then go to St. Pierre and buy what he requires either to Newfoundland or to Canada?—A. To what do you refer?

Would that they could not buy at the French Islands?—A. They are after squid.

Would you allow them to buy squid, and you take it there immediately?

Would you allow them to the French Islands in great numbers and of £40,000 or £60,000 a year; and this large trade the people seem willing to carry on, because they have never over, why could not the American cod-fishermen buy their bait there?—A. They would have to pay for it here.

Would you, in the first place, the Frenchmen have to buy bait in Newfoundland.

Would you have a good deal of bait there to begin with?—A. They would not as much as have Newfoundland and Nova

Scotia for sale there as reasonably as in Newfoundland and

Nova Scotia, it would be just as good a place to go to for it!—A. Yes; but they might then have to pay from \$8 to \$10 a barrel for their bait.

Q. Suppose you were to put a fence around the Island of Newfoundland and the coasts of Nova Scotia and not allow the American vessels to come there, but still keep up your commercial relations with the French, why could not an American cod-fisherman go to St. Pierre and trade there, and still prosecute his voyage successfully?—A. If it is not profitable he cannot do so.

Q. Why would it not be profitable?—A. I do not know; but there would then be no competition, and the French could charge the Americans for bait what they had a mind to. They could charge \$10 or \$20 a barrel for herring or squid.

Q. But it is a place that would answer the purpose?—A. The Americans would have to pay for the privilege.

Q. To the government?—A. The owner of the vessel and the crew would have to do so.

Q. Then the only difference that would exist, if the Americans were so excluded, would be that the market price for bait would be raised? Would that be the only difference?—A. Undoubtedly, but—

Q. Would that be all?—A. But then they probably would not be able to get bait either from Newfoundland or Nova Scotia.

Q. Why not?—A. Do you suppose that, if this was going to do an injury to the people of Newfoundland and Nova Scotia, they would then sell their bait to the French?

Q. You think that if the Americans did so it would be an injury to the people of Newfoundland and Nova Scotia?—A. I am not saying so, but I am just putting to you this question: if that produced such an injury, do you suppose that they would sell their bait to the French?

Q. They sell their bait there because it brings in a profit and does not cause an injury?—A. If you folks had to go there for bait, you would then see whether it was profitable or not to be obliged to pay from \$15 to \$20 a barrel for herring and squid.

Q. You would rather that the Americans would be driven there?—A. We want fair compensation.

Q. You want us to pay you compensation?—A. We want to do what is right.

Q. And this for the privilege of buying bait, which could be purchased at St. Pierre?—A. You would have to pay for it there.

Q. You want us to pay your price for bait, and to pay the government too for the privilege of doing so?—A. You would then have to pay the price that we asked, and the price the French demanded as well.

By Mr. Weatherbe:

Q. If I understand you aright, the Americans have paid you by the barrel for the fish caught in the seine?—A. Yes, during some seasons.

Q. Why so?—A. Because we would not hire the seine.

Q. You say that the price would amount to three cents a barrel, but this was not buying the fish from you. Their agreement was that they were to give you three cents a barrel for all the herring caught in the seine?—A. They have to pay three cents a barrel for all they get.

Q. As remuneration for the use of the seine?—A. Yes.

Q. What was the nature of the contract on other occasions?—A. The same; so much was given for the use of the seine.

Q. In a lump sum?—A. Yes.

Q. Whether they caught anything or not?—A. Yes; sometimes two men and sometimes one man went with the seine.

ents a barrel for the use of the seine and the
 rmen?—A. They paid me so much.
 tely?—A. They paid me a lump sum.
 is barrel did this include the hire of the men
 they had to pay. These men helped to drag

Q:

the use of the seine alone, what did they then
 l a man or two with the seines.

alt:

r these two men?—A. I did.

ents a barrel for the services of the men and
 I beg your pardon. When they went to haul
 out of the seine, the Americans paid three
 to haul the herring, and when I hired one
 b them they gave so much in a lump sum,
 the vessel.
 ine?—A. Yes.

right when you named the persons who trade
 en the two capes mentioned, you said that
 ed on this business, and that Paint did not
 ; Cunningham do business at Port Mulgrave.
 ioned for these 21 miles all contemporaries?
 the same time?—A. Yes. I do not know,
 as dead before Hart and Cunningham came

engaged in furnishing Americans with sup-

r four of whom you are not sure. Was Smith
 Yes.

ve for the whole distance, but you are not cer-
 & Crispo?—A. I think they furnished sup-

en failed in the business?—A. Three failed.
 iber?—A. I think so.

—A. The last one failed two years ago.

fail?—A. I could not give the years exactly.
 ut I do not know when. If I looked at my

Q:

is transportation of material by American
 hey bring up sails. Now, I want to know
 ide and sent up here by land?—A. No; they

ply on hand?—A. Yes.

ith up here at such a time?—A. A line of
 route. One may have an old suit of sails on
 e to the Bay of Chaleurs, and they may get
 n telegraph or send home for a new suit.

These are frequently sent up with a pile of rigging and many other things.

Q. They send them on beforehand?—A. Yes, and have them landed when they come in.

No. 24.

WILLIAM BROWN, fisherman, of Port Medway, Queen's County, Nova Scotia, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Are you master of a vessel?—Answer. Yes.

Q. What is the name of the vessel?—A. The Sweet William.

Q. She is now in Halifax?—A. Yes.

Q. In what branch of the fishery are you engaged?—A. The cod-fishery.

Q. Where are you following it?—A. We come from the Bay of Chaleur, in the Gulf of the St. Lawrence.

Q. Where is the cod-fishery prosecuted in the Bay of St. Lawrence?—A. In different places—around Prince Edward Island, Point Miscon, and the Magdalen Islands, and in fact all over the bay.

Q. It is carried on to a greater or less extent all over the bay?—A. Yes.

Q. Have you been engaged in this fishing for many years?—A. Yes.

Q. How many?—A. Altogether, for about 20 years or more.

Q. Have you fished in American vessels?—A. Yes.

Q. And in British vessels?—A. Yes.

Q. And you have fished the Bay of St. Lawrence?—A. Yes; I have fished there for the greater part of the time.

Q. I believe that you have now come straight from the bay?—A. Yes.

Q. From off Prince Edward Island—how did you leave the fisheries this year?—A. Cod was pretty scarce when I left there, but mackerel were very abundant—there was any quantity of them.

Q. Where were these mackerel to be found?—A. All about the shore.

Q. How far off from the shore?—A. They were right against the shore.

Q. In what abundance were they to be found?—A. I never saw them more plentiful in my life than they are this year.

Q. You refer to an experience of twenty years?—A. Yes; I never saw them so plentiful as they are this year on the American coast and in the bay.

Q. You never saw the like of this year in this relation?—A. No; a vessel can get about what she wants now; at least this was the case when I left.

Q. Are there many Americans in the bay?—A. When I left, about seventy-five sail of seiners were there.

Q. On the Prince Edward Island coast?—A. Yes. A good many hookers, besides, are also there.

Q. There are 75 seiners besides vessels that fish with the hook?—A. Yes; some have two seine boats and some one seine boat.

Q. That was off the island coast?—A. Yes; down from East Point. I was up as far as New London, which is situated about 60 miles from East Point.

Q. Some have two seine boats?—A. Yes.

Q. And some have one seine boat?—A. The Panama had two.

Q. Do they always have boats to use with the seine?—A. Yes.

boats for seining purposes?—A. They have a
one, and a couple of small boats, dories, besides.
fully engaged in seining and fishing off the island

the shore?—A. Just right against the shore. They
for it. They had seines of different sizes. Some-
twelve fathoms, sometimes in fifteen fathoms, and
fathoms of water.

the shore?—A. About two miles.

where the American vessels came to the coast?—A.
was right in against the shore. She had a shoal
anama. She got a load first and went home with it.
ed schooner.

got a load of fish?—A. Yes.

the States?—A. Gloucester. Yes.

two-topped schooner?—A. Yes.

he in getting a load?—A. I think about two or
is not long there.

vessels as yet taken fares?—A. O, yes. I could
many of them, however, because I did take partic-

of as many as you can.—A. The David F. Low has
the first day she was there she got 150 barrels.

the shore was this?—A. A couple of miles, or a
it exactly tell the distance, but it was not over two

The trouble with the mackerel this year is that
the shore, and the vessels have to watch for an op-
out from the shore.

to the shore to permit of the use of large seines?
who have not small seines have to watch until
ish away from the shore.

vessels secured large catches?—A. Yes; the Fred-
barrels in one day. I was alongside of another
ed schooner, and she had a big deck-full. I forget
know exactly what she had taken, but I think it
ed barrels. The other vessels had obtained very

ge so from looking at the fish?—A. Yes; I asked
had got, and he said he had taken a few of them.

judge that he had caught 200 barrels?—A. Yes.
ich account of that number, for they call 400 or 500

Prince Edward Island coast, and the Cape Breton
oast of New Brunswick pretty well?—A. Yes; I
he whole of these shores.

so for many years?—A. Yes.

the shore do you generally catch mackerel?—A.
we catch them right in against the shore. I have
erel away up at Bathurst, in the Bay of Chaleurs.
d took them between that point and Port Daniel.
els there one year in a Boston vessel. She was an
she was owned in Boston. She flew the English
h papers; but still she was owned in Boston. I
ackerel at Bathurst and in Port Daniel Harbor.

he shore did you catch them?—A. We took them
of water.

Q. At what distance from the shore?—A. I should think half a mile.

Q. It was within half a mile?—A. Yes; but I could not give the distance exactly.

Q. You say that you have fished in American vessels in the bay?—A. Yes.

Q. Give the names of some of them.—A. I was in the Diadem and the Austerlitz.

Q. In what year were you in the Diadem?—A. That was a good spell ago. She was the first American vessel in which I ever fished.

Q. How many years ago was this?—A. I should say it was 20 odd years ago.

Q. Where did she hail from?—A. Gloucester.

Q. How many trips did you make in her?—A. Two. Her captain's name was Welsh.

Q. Do you remember the amount of her catches?—A. We got full fares.

Q. What were they?—A. 400 barrels, and 360 or 370 barrels.

Q. That would make 760 barrels for the season; where did you catch them?—A. We secured the most of the first trip on what we call the west shore.

Q. On the New Brunswick coast?—A. Yes.

Q. From the Bay of Chaleurs to Miramichi?—A. Yes. From Point Miscon to Escumencac.

Q. How far from the shore?—A. Right along the shore; we caught the best part of them off Shippegan and Tracadie, along the sands.

Q. Within one or two miles of the shore?—A. One and two miles, and half a mile; probably three miles was the farthest we were from the shore.

Q. Where did you take your second trip?—A. At Malpeque.

Q. Off Prince Edward Island?—A. Yes. We took the most of them there, over 200 barrels, and the remainder we took down at Cheticamp, Cape Breton.

Q. How far off shore?—A. We hove to at Malpeque as soon as we came out of the harbor.

Q. That was about half a mile from the shore?—A. I think so, and hardly that. It is a bar harbor.

Q. In what other American vessel were you?—A. The Austerlitz, from Gloucester, was the next in which I was in the bay. I was in other vessels on George's Bank.

Q. You have fished for cod on George's Bank?—A. Yes.

Q. For how many seasons were you in the Austerlitz?—A. Four.

Q. Four consecutive seasons?—A. Yes.

Q. Where did she hail from?—A. Gloucester. She was owned during the first two years by Steel and Glover; then Glover left the firm and Steel alone owned her.

Q. Was she a large or a small vessel?—A. In those days she was a 60-ton vessel. The tonnage is now measured in a different manner.

Q. Did you go in the same vessel to George's Bank?—A. Yes, in the winter. I also went to LaHave Bank.

Q. Did I understand that you made trips to George's Bank and to the bay?—A. Yes; we generally make trips to George's Bank every fortnight or three weeks, at the outside, out of Gloucester. We make a trip about every three weeks.

Q. How many mackerel trips did you make in the bay besides?—A. We used to make usually only one trip.

these four years?—A. On the average

10 fall?—A. We used to fish for halibut. We never fished for poor cod. We come into the bay about the first of October.

turn trip?—A. Yes.

in?—A. The next American vessel in was a schooner called the Fairy Queen, Cap-

We had a good trip.

A. 200 barrels. She was a small boat, a vessel of her kind. She would be a schooner but there she was only a boat.

tons?—A. I think she was 50 tons and she was 60 tons. They do not

vessels were you?—A. When I left the bay for Scotia and went into a Nova Scotia bay.

you in vessels of your own?—A. For

. Yes; we made one trip every year, once.

We always made good trips.

ships?—A. I owned shares in some of

mainly to mackerel-fishing, or trad-

de?—A. No. We do not do a coast-trade. The season is all over. After the season is over we go to the island or somewhere else in our

shipping?—A. We always obtained good

trip?—A. One year I was in a little schooner. I went to the bay in July, and I landed 300 barrels. I went back and caught

scholar?—A. She was small, of about

it was a fair trip?—A. It was a good

you?—A. I was in the Bell, and in one

trips in them?—A. Yes.

38.

ships in English bottoms you again went to. The Charles H. Hilareth was the last one then shipped.

. We made two trips.

?—A. 300 barrels.

average?—A. That was all she would catch on her first trip and returned to Gloucester, in the time we left. I left home on

the 20th of July, and on the 24th of August I was in Gloucester with 300 barrels of fish. The crew was small. I think there were ten men on board, or eleven, all told. We filled her full and had some on deck.

Q. Were you in any other American vessels?—A. Not on this coast.

Q. You go to George's Bank every winter?—A. Not now. I think too much of my crow-bait to go there.

By Hon. Mr. Kellogg:

Q. What is that?—A. My body. I would rather be food for crows than go there and let the fish eat me.

By Mr. Davies:

Q. You mean that you do not want to risk your life by going there?—A. I would sooner have the crows eat me than the fish.

Q. In what vessels were you in 1869 and '70?—A. I was in a schooner called the Abby Alice.

Q. Was she an American or a British schooner?—A. She was a British vessel. She flew the British flag, but she was owned partly by Boston by Clark & Woodworth. I was in her for two years.

Q. What was the result of your catches in that vessel, in 1869 and 1870?—A. In 1869, we landed I think, about 900 barrels, between 800 and 900 anyhow. We sent home the trip from Charlottetown to Boston by steamer.

Q. You transshipped them?—A. Yes; we did not get a full fare the last time. I think that we then took about 500 and 380, or somewhere about that number.

Q. You caught between 850 and 900 barrels?—A. Yes.

Q. Or, between 830 and 900?—A. It was along about there. I cannot say exactly how many we took.

Q. You had a pretty fair catch?—A. Yes.

Q. Where did you take them?—A. We caught the first trip in the Bay of Chaleurs, inside of Point Miscou; North Bay and the Bay of Chaleurs are two different places; the Bay of Chaleurs lies inside of Point Miscou, and is a bay of itself.

Q. You caught them all there?—A. Yes; in the bay.

Q. Did you catch them near the mouth of or far up in the bay?—A. We got them up the bay.

Q. How far up?—A. We took the heft of them as far up as Bathurst.

Q. How far from Bathurst?—A. Right against the shore.

Q. Half a mile from it?—A. About that, I should think. We laid anchor springing up most of the time, and after the fish left, we went to Port Daniel, on the north side of the bay, nearly opposite Point Miscou. We anchored there and finished up our trip.

Q. With reference to all these years, captain, what is the result of your experience; how far from land do you catch mackerel?—A. Well, two or three miles I suppose. You don't get them of any account outside of three miles from the shore. Of course, you may catch a few outside sometimes; but as a general thing they are taken along about a mile or two miles from the land.

Q. The heft of them are caught within a mile or two miles from the shore?—A. Yes; this year the mackerel when I left St. Peter's were thick and so apparent, that you might walk on them.

Q. This was off Prince Edward Island?—A. Yes; if you had a seal Indian with snow-shoes, he would nearly travel on them.

Q. If this is the case, the seiners will make a good haul?—A. That did not happen to get right inshore. I met some while coming down and I told them that the fish were there.

now what destruction followed?—A. The Fred-
arrels that day. I saw the captain afterward,

were not allowed to fish within three miles of
e the good of the bay fishery to you?—A. If I
within three miles of the shore, I would leave
there.

ence as the result of thirty years' experience in

American vessels, at times you transhipped?—

were in the Abby Alice?—A. Yes.

find transshipment to be a great advantage?—
er, however, an American vessel.

can in your remarks about being crow-eaten?
n.—A. The George's Bank is considered to be a
frequent in the winter. Almost everybody that
s when he thinks of going again, although num-
d again to the place.

anger of being drowned there?—A. Yes. Thou-
men have been drowned on George's Banks. It
ound—a regular cemetery for Cape Ann fisher-

e speaking of crows?—A. I would sooner have
y than have the fish eat me up.

vessel hail from?—A. From Port Medway.

No. 25.

MONDAY, August 20, 1877.

, merchant, of Wolfville, N. S., was called on
nt of Her Britannic Majesty, sworn and exam-

re:

orn and you lived for a long period at the Strait
was born at Cape Canso, and I lived there until

business there?—A. Yes. My business was to
nd furnish the fishermen with supplies.

business afterward?—A. I moved from there

to?—A. In 1869.

ed there ever since?—A. Yes.

als?—A. Yes.

Cape Canso?—A. Yes.

s did you own?—A. Five or six during that

ly any number of American fishing-vessels?—
argely during the war.

were not a practical fisherman?—A. No.

time you were in business there, were you so
—A. Yes.

Q. And were you then in continual communication with American fishermen?—A. Yes.

Q. This was while you resided at Cape Canso?—A. Yes.

Q. And have you an intimate knowledge of the cod and mackerel fisheries?—A. I have, from the fact that I was not only transacting business with these fishermen, but my father being collector of light dues during all that period up to confederation, I was in the boat most of the time, in his place, collecting these light dues.

Q. Since that time have you studied the matter and kept yourself informed regarding the fisheries?—A. No; not to any extent. I have had no particular interest in the catching of the fish since 1869.

Q. With the exception of the catching of the fish, have you kept yourself informed with reference to the fish trade?—A. Yes; that is part of my business and has been.

Q. Since you left Cape Canso?—A. Yes; up to the present time.

Q. Part of your business is devoted to speculation in fish?—A. Yes.

Q. Buying and selling?—A. Yes.

Q. Judging from your general knowledge of the fisheries, suppose that the American fishermen were to be excluded actually and practically from fishing within three miles of our shores, would you consider that they would be able to carry on the fisheries along our coasts with profit?—A. I believe that if they were really so excluded they could not; but they have never been so excluded.

Q. But if this were accomplished, what would be the case?—A. That I believe that they would not prosecute the fisheries at all; but that has never been done.

Q. Would it then be a profitable business?—A. I should think not.

Q. Do you thus speak from your own knowledge of the fisheries, or also from the result of your communication with American captains?—A. Yes; from their own version of the matter, I might say—I am speaking particularly with regard to the mackerel fishery—it was only the prospect of catching the fish within three miles of the shore that has induced them to come and fish on our shores. They have never been excluded from this limit at any time.

Q. What was the practice of American fishermen during the period when the cutters were on our coast?—A. It was to catch as many as they could within the three-mile limit as they could, with safety. The whole British fleet would not keep the American vessels out of this limit, if they wished to fish inside of it.

Q. Why?—A. It would be impossible to guard the extent of the coast which we have, with any number of vessels.

Q. When the marine police were gone, they would come in and take the risk?—A. Yes; certainly.

Q. Do you believe that they would run such a risk?—A. They would just make up their minds as to whether it was possible or not, and then they would either abandon the fishery or run the risk.

Q. As a person having a knowledge of the business, would you yourself put money in it, if you were excluded from fishing within three miles of our shore?—A. As to mackerel-fishing, certainly not.

Q. What would be about the number of the American cod-fishing fleet?—A. It is impossible to distinguish between the two fisheries in this respect, because these vessels most invariably make one trip for mackerel and one trip for cod; a vessel will fish early in the spring for cod, and in August and September for mackerel—so the same fleet, to some extent, is employed in both branches of the business.

Q. So the one fishery to a certain extent depends on the other?—

they prosecute the business for the whole season, to the different kinds of fishing, as the time

and with your capital in the mackerel or cod-fishing. Consider, if you were to be excluded from fishing three miles of our coast, that this would affect—A. We would then have to abandon mackerel time entirely to the taking of cod, whether good or bad one; mackerel-fishing is supposed to be a profitable trip for a certain part of the year. It is a sail from Cape Canso to the cod-fishing grounds. A. For the spring fishery, to the Western and Middle Banks, 60 or 80 miles, or from 8 to 10 hours' sail; and for the summer fisheries, they go to the Grand Bank and the French Bank respectively of about 100 and 60 miles. The months of March and April in the spring.

Do the Americans fish for cod in these places?—A. Yes, in the Western and LeHave Banks last until along in June, and then follow the cod up the Bank Banquereau in the Middle Bank they fish during June, July, and August.

How many vessels engaged in that fishery? At what seasons, and what do they do?—A. We first start in the American ports in March for one trip in April and May the fishermen move to the Middle Bank; in June and July they follow the Banquereau and the Grand Bank. The cod-fishing months of July and August in North Bay.

What is the season of cod fishing?—A. Yes; and of cod fishing

loaded their vessels, what do they do with the men then return home.

Does it take them to cure the fish?—A. In olden times, they were not allowed to return home until the fish was cured; but since that bounty has been removed they do so in about two months or six weeks. They do so and get home with the fish.

How long do they turn to the grounds?—A. Yes; perhaps two or three weeks for the trip.

How many trips do they make during the season?—A. They commence from March to November.

How many trips do they make?—A. Probably three or four.

Is it five?—A. I think that is very rarely the case.

How many times?—A. Yes; and sometimes far more, with

has the fishery changed during the past ten years? In the fish business they make three trips a season.

How many?—A. Yes.

How, how is it?—A. These fish are saved in ice, and has not reference so much to quantity as to quality of them to the American market in a good state. They make as many trips as they can, without

How many trips do they make?—A. If we exclude the fishery on the Grand Bank, from six to eight or ten, and perhaps

Q. Is the cod fishing business on our coast?—A. The bank cod fishery is considered to have.

Q. Is it a certain business?—A. I think it is out in saying that it is a certain business.

Q. Is it a profitable business?—A. It is.

Q. Are you aware of the mode in which they procure their bait and ice for the carrying on the coast?—A. On fitting out at home, they lay in their bait and ice, which will last for a week or ten days, as long as the ice will hold, and after this is exhausted they frequently go to Cape Breton for bait and ice.

Q. Are you aware whether they always procure their bait at home?—A. Frequently it is not to be had at home.

Q. And then they frequently come to our coast?—A. They then depend on securing bait on the coast.

Q. What kind of bait do they procure?—A. During the month of March they procure their bait from Newfoundland to the United States.

Q. Do they bring any other kind of bait?—A. Clams and pogies.

Q. Is this a proper kind of bait for cod?—A. Under the present system, because they now must have fresh bait.

Q. It is now necessary to have fresh bait?

Q. Under the present system salt bait was used?—A. Salt bait is used now, but to a very small extent.

Q. Could it now be used effectually?—A. A vessel used salt clams on the trawls, and would make the best voyage.

Q. Under the present system, in order to procure bait, they must come to our coast?

Q. Could it be carried on at all, save by our coast?—A. That question covers a great deal.

Q. Speaking as a merchant, say whether you consider it less this were so?—A. I do not think that vessels can and do take nets with them, as they catch bait on the banks.

Q. Do you know whether the Americans procure their bait at home?—A. They frequently do so.

Q. If they were excluded from catching bait on our coast, or in our ports, you consider that the American fishery?—A. I do not think that it could be carried on under those circumstances.

Q. How do you consider that the fishery has changed?—A. The same remark applies to all branches of the fishery. Within the last few years they have been using fresh instead of salt fish, and this continent is virtually at an end.

Q. Do you state that from practical knowledge?—A. I am sorry to say that I do.

Q. And you find that the salt-fish business is at an end?—A. Salt-fish business of all kinds applies to mackerel as well as cod-fishing.

the great market of the United States?—
and New York; but from Boston pri-

ncipally?—A. To every town in the West.

Yes.

; the fish is principally boxed in ice.
more profitable to carry it from there to
the States, or to transmit it thence directly
have only had the advantage of having
markets by rail within the past year. This

has been the case in this relation until this year?—A.
The bulk of the business, and it must be a suc-
cessful business, is bound to be the principal fish-shipping
any American port where vessels are
engaged in shipping fish from Halifax, which is
one of the fishing-grounds, and in direct sail
market in the West. A vessel can probably
make a year, by shipping the fish from here,
which she can now possibly catch.

Plans which are now being made, you consider
them favorable for the American vessels to carry on
the business, or is it likely to be the bulk of the business, by
shipping by railway?—A. Yes; from the fact that
the fishing-grounds.

What inquiries on this subject?—A. Yes; and
the success of that kind.

What capital is required in it?—A. Yes.

What are the prospects for that business during
the winter of your judgment?—A. I cannot see
how we are to supply the fish, and we now have
a large number in America, and an easy access besides.
I have estimated the number of the American cod-fish-
ing vessels by saying that these vessels were en-
gaged in cod and mackerel. The fleet numbers

of fishing vessels carry their fish to the
market, and ship the fresh fish in ice?—A. They
do not do that the business to which I have

referred to do so?—A. Because it would be far
more charge here.

For example, a vessel may secure a trip to the
west, four hours' sail, and discharges her
cargo in 24 hours. She can come in here in 4
days, any rate in 6, 8, or 10 hours.

Do you try to have an establishment here?—A.

What are the means of shipping the fish in refrig-
eration to the American market.

Is it in close alongside of the railway?—A.

Yes.

From any point in the harbor.

Is it in the provinces?—A. The railway facili-
ties are here and at Picton in sea-ports.

Q. But what will be the case in the near future? When will the Eastern Extension Railway be finished as far as the Strait of Canso?—A. That is to be done in a very few months.

Q. This will then be an important place for such transshipping purposes?—A. It will be the most valuable, because it is the nearest to the fishing grounds.

Q. Then the mode to be followed would be to run in from the fishing grounds, in about four hours, and transship the fresh fish to all points west?—A. Yes.

Q. And you, as a practical man, believe that this is the prospect for the fish business in the future?—A. I may be too sanguine, for of course I speak of a probability only, but I believe that within the next ten years the whole fishing business of the Dominion of Canada will consist in the transshipment of fresh fish from Dominion ports to the western markets by rail.

Q. And you do not believe that the American fishing vessels will carry their fish to American ports at all?—A. The American vessels will find it to their interest to ship from British ports.

Q. The calculations which you have made with the view of going into this business have convinced you that it will be very much more profitable than the present mode of carrying on the business?—A. Yes.

Q. And these railway connections have only been made this year?—A. Yes; and they are not complete yet.

Q. The railway leading to the Strait of Canso is only under contract and is in progress now?—A. Yes. I might say in this relation that even now the railway from Shediac is very largely utilized by American fishermen transshipping their fish to the United States markets in the salt state. A large quantity of American fish go over that road every year.

Q. If the American vessels are allowed to come inshore and fish as they do now, do you consider that this interferes with your profits as a British fisherman with capital invested in the business?—A. O, I think that the fishery will never be prosecuted efficiently by British interest while the Americans have the right so to fish.

Q. I believe that you were the consular agent for the United States at Canso?—A. Yes; I was.

By Mr. Foster :

Q. During what years?—A. I think up to the time I left Cape Canso from some 10 years previously probably. I cannot just now remember the exact period.

Q. You left Cape Canso in 1869?—A. Yes.

Q. This business to which you have referred, when once established will conduce somewhat to the prosperity of Halifax, would it not?—Most decidedly it would; that is the object of it.

Q. Is it not likely to make Halifax the shipping port for the fish business instead of Gloucester or Boston?—A. Under the present arrangements we never can draw American enterprise and capital into the provinces; matters are in a too uncertain situation to have such a result.

Q. But you think that it would be better for Americans to come with their vessels here?—A. Yes.

Q. Why should not American capital establish itself here if you have more capital than you yourselves possess?—A. Just from the result of this very meeting; the whole business is left in an uncertain condition. Some years the Americans are allowed to fish in our waters, and some years they are not so allowed; and again some years there

some years there is not. Things are in such a prudent man in the States would so invest his

arrangements were effected in this regard?—A. Question.

Halifax be for eight years to come the center of—A. I think, that if I were in the fishing business I would remove to Halifax in my own interest. As vessels can be built here a good deal cheaper than elsewhere, when once American capital was here, would it build British vessels?—A. Yes.

Are the fishermen employed on American vessels are—A. Yes; I should think, that with fully one-half,

if such an arrangement as the present one being made, that these Provinces would attract American capital. That Halifax would be built up, that the fishing business in British bottoms, and that the great markets would be supplied from here?—A. Yes.

Is there any business in this part of the world now, anything like the fishing business?—A. We have a permanent fishing business, entirely different business from that; it is the old

business as great and valuable as it will be once, that you refer to, is fully organized?—A. Decidedly not. An arrangement, such as will exist for eight years to come, it will make the fortune of the British American, may make the fortune of the people engaged in

the employment of one class of men with large capital, generally distributed about in their vicinity, is it not?—A. Cer-

tainly. Is it a bait that the Americans have to get in these waters depends on the season. The first bait used in the spring the summer squid are so used to a very large squid are principally used for bait.

Is there any reason why they cannot bring their herring and mackerel except that it would not be fresh?—A. Well, the quantity of bait to be obtained on the American coast is a scarcity of it in that quarter.

Is there a immense quantity of squid found there?—A. Yes, but the supply is very uncertain.

Do the American coast to spawn?—A. I do not think

that they come on our coast?—A. They come on our coast; their habits lead them there.

Do they stay here permanently?—A. They stay nowhere per-

manently on the American coast in vast quantities, except on our coast?—A. I suppose that they strike the coast

to know anything about the way in which the fishery is conducted?—A. I do to some extent, but I am not

prosperous by them?—A. Yes; but they have a very large country. The French fleet at Saint Pierre

is a school for the French navy. The men and vessels are both very heavily subsidized.

Q. Aside from that, they are prosperous and successful?—A. Yes; they secure a good catch of fish, and they live very economically. They conduct the business in a more economical manner than we do, and they make money where we would starve.

Q. Do you happen to know that they do not use fresh bait at all?—A. That is not a fact. They draw their supplies of bait from Newfoundland.

Q. Do they not salt the bait they use?—A. They do to some extent but they are using fresh bait now. During the spring they used to prosecute the fishery with frozen herring, which they got on the Newfoundland coast.

Q. Frozen herring are not only obtained in Newfoundland, but also from various other coasts?—A. Yes. Grand Manan Island in the bay of Fundy, is a large herring depot.

Q. And they are also obtained from the Magdalen Islands?—A. No. The frozen herring came from there. The season is too late there for the purpose. Herring are not caught around the Magdalen Islands until the last of April.

Q. Is there no ice and snow up there in which to pack herring?—A. It has never been tried, I think. These fish are caught there after the ice season is over; after the frost is over and the weather is not cold enough to freeze them, when they are taken. The bulk of the frozen herring brought into the market is winter caught.

Q. And have they no facilities at the Magaden Islands to freeze the herring caught there? Is this not done with snow and ice?—A. No. The herring are caught at the Magdalen Islands until the frost is out of the earth.

Q. And you know that no snow and ice are to be secured there?—A. No. The herring fishery at the Magdalen Islands does not commence until the last of April or the 1st of May, when there is no frost in the air.

Q. And don't they have snow and ice there?—A. Certainly during the winter, but not when the herring are taken. I have sent vessels there for ten years, and such a thing as snow and ice is not procurable at the Magdalen Islands.

Q. Then to say that they freeze herrings there would be incorrect?—A. Not at all. They can have ice-houses there as well as anywhere else and cure the fish.

Q. But do they do so?—A. I do not know that they do to any extent; but they can do so. What we know as the frozen-herring business is not prosecuted at the Magdalen Islands; but American vessels may go there and get herring for their trips and keep them in ice.

Q. Where is Grand Entry Harbor?—A. At the Magdalen Islands.

Q. One witness has stated "a portion of the Island is of the Red Sea stone formation; the sea has made large holes of the nature of caves into it, and snow which has drifted and ice which has formed in the places in winter, are found there until the whole of the summer." Is this correct?—A. Yes; but it is not utilized for the freezing of herring.

Q. Then you say that snow and ice are not found there?—A. I think that you misunderstand me; do you think that they would have a natural supply of snow and ice on the Magdalen Islands up to September? What I say is, that the herring fishery commences at the Magdalen Islands during the last week in April, and that what we know as the

to be followed there, where the herring are not so numerous.

Q. I say, that what is commonly known as the winter fishery?—A. Yes.

Q. You not know, that at the time herring are at the ice there is also to be found natural supplies of snow to freeze those herring which are caught in the ice, and preserve them?—A. To preserve them you cannot freeze them then.

Q. At the Magdalen Islands snow and ice are to be found, so that herring there caught can be preserved?—A.

Q. The same thing might be said of New Orleans, where they have had for preserving fish.

Q. Agree with the statement that at the Magdalen Islands there is a supply of snow and ice any more than is the case at New Orleans or anywhere else?—A. It would cost more to New Orleans; but at the time the herring are at the Magdalen Islands the weather is not such as to be so much as we understand them to be in com-

Q. Is it not bad at the Magdalen Islands for preserving herring as you have said so; very great facilities in this relation during the winter months.

Q. Consist of snow and ice?—A. Yes.

Q. Do the herring in the winter are sent to the United States?

Q.—A. The fish are caught and spread out, before the ice will get to them. During the cold winter months they pass idly through, and in that state they are taken in barrels or market. Strange to say, they will keep for a long time without packing, and the less ice placed among

Q. The herring and preserve them for bait during the winter, and then taken and packed in ice.

Q. Snow will not do for the purpose. Snow supplies are not available for such preservation.

Q.—A. Yes.

Q. Is it not used being chiefly herring and squid; would you not use?

Q.—A. Yes; but the difficulty is to keep them long

Q. For the year will they do?—A. They will not do

Q. Salt fish and bait packed in ice?—A. Yes.

Q. Is it not their using menhaden as bait?—A. Yes.

Q.—A. Yes.

Q. Do you not use?—A. No. This is salt bait.

Q. Do you consider them to be good?—A. They are not so good as fresh bait. No fisherman will use salt bait, at any price; that is my experience. Menhaden is scarce, and a scarcity of fresh bait.

Q. Is it not to a certain extent during any other season?—A. Yes, and by on board of the vessels.

Q. Do you know about the manner in which the cod-fishery is carried on?—A. During the bounty period American vessels are sent for a four-months' trip, taking an enormous quantity of bait, and menhaden. A large bounty was given

them by the United States Government; they went on the Grand Banks, laid there for four months, and then returned home.

Q. Did they then use any fresh bait at all?—A. I do not think that fresh bait was then known.

Q. For how many years was the cod-fishery thus carried on?—A. It was so prosecuted long before my recollection.

Q. And during the last 200 years?—A. Yes.

Q. Then it is very possible that the cod would not escape the American fishermen, if they had to use that bait again?—A. The advance of improvement in the fishing business has killed that kind of bait.

Q. And is not seining likely to supersede all other modes of fishing?—A. Seining will destroy the fishery in the end.

Q. But, as a means of fishing, it is likely to supersede all other ways of fishing?—A. Yes.

Q. Is any difficulty experienced in using seines on the Banks?—A. Cod can never be caught there in seines. They are not a schooling fish; every one goes on his own hook. We do seine for cod on the Labrador coast, where they are known to school; this is done while they keep along the shore, but it is the only time when it is known to be possible.

Q. Suppose that you put a fence around all your coasts, and ports, and harbors, so that no American could get there to fish at all, and that in return the Americans were spiteful enough to close their own markets to your fishermen, would Halifax then grow as you have described?—A. We would then be thrown entirely on our own resources, and we would have the four millions residing in the Dominion of Canada to depend on for a market.

Q. Would not that answer just as well?—A. Not as well as a market of 40 millions.

By Mr. Weatherbe:

Q. Did you understand the permanent trade to which Mr. Foster alluded to be the trade for eight years? Do you consider that there could be any permanent investment of American capital here except a treaty was negotiated for a very much longer period than eight years?—A. Most certainly not. No prudent man would change his business with only an eight years' prospect before him; this was the case even during the ten years of the Reciprocity Treaty.

Q. The information which we are getting from you now, and which the Commission wish to have on this subject, relates to the privilege it is to the people of the United States to have access to our fisheries for these eight years; this is the only question we are discussing; and you do not consider that we would be benefited if the Gloucester people moved over to our shores?—A. I do not see that we would be.

Q. During this treaty of eight years?—A. No.

Q. You do not think that they would build up establishments and towns here?—A. Not during the existence of a treaty for only eight years.

Q. What you mean is, that they could run their vessels in here?—A. Yes; and utilize our means of conveyance.

Q. With regard to landing at the Magdalen Islands, do you understand that the Americans had a right to land there previous to the Washington Treaty?—A. I thought that these islands came under the same jurisdiction with our own provinces.

Q. You consider that their right to land there for ice or snow, as for anything else they require, in order to carry on the fishery, is obtained

these islands are included in the same ar-

ing about a very long and a very high
ere confined to their rights under the pre-
practically and effectually restricted from
mit to fish, do you think that this would
antage to us?—A. O, certainly it would
suredly build up the fishery interests of

were absolutely shut out from the three-
at they would engage in the prosecution
hink not.

ing to you about the possibility of the
re other motive, imposing a very heavy
ould they obtain their mackerel if this
this could enter into any such question
eir mackerel, if they got it outside of their
provinces. The duty of \$2 a barrel, im-
m, did not prevent such shipments.

fishermen have to go for mackerel? As-
their mackerel fresh during the summer
ey supply the enormous demand for it?—
drawn from their own waters if they were

their own waters to supply the demand?—
rel all told are not caught to supply the
e catch. I think that their catch would
e.

them to impose a duty on mackerel enter-
ey would not have to pay themselves?—
led from fishing in British waters I think
ny ordinary duty in addition to the regu-

duty imposed on fresh fish in your mem-
ss is entirely a new one.

uty levied on it?—A. No.

nsiderable amount of fresh mackerel sent
e provinces?—A. That is a new business.
ray?—A. Yes.

it possible to do this business?—A. Yes;
teamer to New York and Boston.

ved?—A. They were boxed in ice.

in good condition?—A. Yes. Mackerel
ely for a fortnight if boxed in ice. This

as well as salmon?—A. Yes; I think that
tender fish we have.

you to say about contemplating going into
think that an opportunity for doing a very
om this port is now presented.

ng going into it?—A. Yes.

t eight years before doing so?—A. I am

can safely engage in the business of send-

ing fresh fish to the United States?—A. Yes; because I have the advantage of securing the fish within the three-mile limit, and of railway communication, whatever treaties may say.

Q. And do you expect to supply the American market with mackerel?—A. That would be a part of the business.

Q. How would you send them?—A. By rail altogether, packed in ice, except when it would be necessary to supply some seaport towns in the States.

Q. Where would you find your shipping places in the States?—A. I would ship directly to the American market from here.

Q. Where to?—A. To the whole West—Saint Louis, Chicago, &c.; it would be almost impossible to enumerate them.

Q. And what kinds of fish do you intend to send there?—A. All kinds of fresh fish; even lobsters. A very large business is to be done from this province in fresh lobsters packed in ice.

Q. And you think that this business is tolerably independent of any treaty?—A. It can be done by us, if we are not crowded off the ground by American fishermen.

Q. There will be no duty for eight years, and at the end of eight years you fancy that duty will not hurt you?—A. There is no duty imposed on fresh fish, and there never has been.

Q. But there may be, I suppose?—A. Yes. I would expect to draw my supplies very largely in this business from American fishermen; it would be to their interest to come here.

Q. Does not all that depend on having the freedom of the fishery on the one hand, and on the other hand the freedom of the markets?—A. Most decidedly it does.

Q. And it will be to the mutual advantage of both parties?—A. Yes. We may make any treaty or impose any tax you like, but trade will find its own level.

Q. Don't you think that an unjust exclusion can effect it? Cannot duties graded from prohibition to a low duty do so?—A. Trade will naturally find its own level; of course, a wall of tariff will exclude it.

Q. You never have thought of going into the business you mention until within the last year?—A. I have thought of it since our railway facilities for communication with America have improved.

Q. Do you labor under the impression that there is any difference between the rights possessed by Americans on the Magdalen Islands previous and subsequent to the Washington Treaty?—A. I always thought that the Magdalen Islands came under the same restrictions in commerce with our own province.

Q. You have testified under the impression that the Americans required new rights on the Magdalen Islands by this treaty?—A. Yes.

No. 26.

JOHN STAPLETON; 54 years of age; hotel-keeper, and formerly a fisherman, Port Hawkesbury, Cape Breton, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. How many years have you been engaged in the fishing business?—Answer. I went fishing very young; it is about 36 years since I went for the first time.

Q. You have had about 36 years' acquaintance with the fisheries?—Yes.

h the business has continued more or
g from that time till 1851.

in fishing during that time?—A. Yes.
lived in Port Hawkesbury?—A. Yes;
de.

to year?—A. Yes.
the business all the time?—A. I kept

ng 36 years ago, in what branch of the
In cod fishing.

usiness during a number of years?—A.

—American or British?—A. I went in

the cod fishery?—A. In North Bay.

We call it North Bay after you go to
he Gulf of St. Lawrence.

Ve fished across to North Cape, and off

rence North Bay?—A. We call Prince

years 1836, 1837, and 1838?—A. Yes;

vessel at the time?—A. Yes.

Prince Edward Island?—A. Yes.

1. About two miles or one mile and a
shing in the spring school.

ught outside of three miles from the
the Banks in trawls.

u caught them inside the limit?—A.

1 inside?—A. Yes.

1 get?—A. I think the last year I was
le.

1. Yes; for the size of the vessel; we

9?—A. I went to the States and fished
e gulf for mackerel.

erel in American waters?—A. We got

American shore?—A. Yes; we mostly

in coast or in Massachusetts Bay?—A.

fall; it is half-way between Cape Ann

ish there—as close to the shore as in
hem inshore. There are boats fishing
e, the larger vessels go outside.

A. I fished on George's Bank.

y fished with you, where did they go?—

George's, Middle, and Jeffrey's Banks,
here. Small vessels would fish inshore.

prolific in fish?—A. About 300 barrels
od catch.

George's Bank?—A. Yes.

ast?—A. We used to get cod during

the first part of the season, and we fished for mackerel when they got fat.

Q. How many years did you continue to fish in an American vessel off the American coast?—A. About three years.

Q. Where did you go then?—A. The last year we were fishing off there, we went to George's Bank, the usual ground. We could not find any fish there, and we then came down to North Bay. We fished off Tracadie on the north shore of Prince Edward Island, and anchored there. We went very close inshore and got about 150 barrels.

Q. That was off St. Peter's, Prince Edward Island?—A. Yes; a storm came on and we went into the harbor and afterward came out.

Q. In what vessel were you there?—A. In the Tasso, of Lockeport, Captain Storey.

Q. How far from the land were you when you caught those 150 barrels?—A. About one mile; we were right off the harbor. We did very well there. The fleet afterward gathered round and kind of broke up the school. We went from there to Margaree Island, and anchored at night under the island. The whole fleet was there, and cutters were on the coast. At that time we were about giving up and deciding to go home. In the morning pretty early, as soon as it was light, we sprung up the vessel and all hands went fishing. A cutter came down to the island from Port Hood that night.

Q. The cutters were there?—A. Yes, at the time.

Q. This was in 1841?—A. I think so. We were fishing when a cutter came round the point and fired a shot.

Q. The cutter caught you in the act?—A. Yes; there were about 20 or 30 vessels on the grounds. They were close inshore; a number cut their cables and cleared off; the cutter took five vessels. Some who were farther out hauled to and were taken, while many of those closer in escaped; the cutter would not have taken so many vessels if they had not hauled to. I afterward went to the States, settled up my business, came home, and bought a little vessel of my own.

Q. How close were you to the land when the cutter came?—A. About a quarter of a mile from shore.

Q. You made a large haul of fish?—A. I suppose we would have made a large haul if the cutter had not come.

Q. All the vessels were close inshore?—A. Yes; on the south side of the island.

Q. Then you went fishing in your own vessel, a British vessel?—A. Yes.

Q. How many years did you prosecute fishing in your vessels?—A. Three years. I owned the Gannet, Harp, and Elizabeth Ellen.

Q. Over how many years did that extend?—A. I think up to 1851.

Q. Did you do pretty well in these vessels?—A. Yes; I did pretty well. I did so well I thought I would knock off and go into the trading business, and then I put my foot into it.

Q. During the whole number of years you were in the business in American vessels and in your own vessels, where did you fish?—A. I fished pretty much all over the bay.

Q. Name the places. Were you in Bay Chaleurs?—A. Yes; we fished from East Point up toward Georgetown, and from that by the north side of the island to North Cape.

Q. You fished along the island?—A. On the north side of the island there is a good fishing ground, and also from North Cape to West Cape.

Q. You fished, then, on the northwest of the island?—A. Right inshore, near the land. And also on the west coast of New Brunswick.

cou, and from Point Miscon by Shippegan, and and Port Daniel and down to Gaspe, around as far as Cape Rozier.

ou were brought into full contact with the Americans.

can fleet fish at the same places as you did ?—

years, how far from the shore were fish generally were always some way or other inshore ; we

, for instance ; where did you find fish there ?—

in the center of the bay ?—A. We never thought of the bay. We fished on either the north or

of the whole catch of fish do you think is taken here are caught outside on banks Bradley and Or have had a great deal of talk about the quantity offshore.

ersation with American captains about it ?—A.

ers of cutters ?—A. Yes. I have talked it over

or of general discussion ?—A. Yes.

it ?—A. The result is that, I think—I may be it—that three-fourths of the fish are caught in-

l ?—A. Yes.

in catch, what do you think is the proportion ?—hora.

any outside of the three-mile limit ?—A. No ;

a said you were fishing ?—A. That was the last

of the great gale ?—A. I was in Tracadie, on and, at that time. I went in there on the night

. Yes ; I was after going out of the bay. We went in for the third trip, and was there one Tracadie, intending to fish off there ; coming t in the day fishing.

l you abandon fishing for the season ?—A. I gale. I assisted to bury some of our neighbors on the island, and afterward went to Margaree

reton ?—A. Yes. I thought I would make one the trip before going home. The cutters were

because I recollect that at Magdalen Island I oncester. I asked the captain if he had caught "No," for he thought I might be a spy ; but I water that mackerel were there.

onclusion that mackerel were there ?—A. Yes ;

shore ?—A. About a quarter of a mile. It was e the vessels had previously cut their cables.

The next day it was blowing ; but it was not long before fifty sail were there.

Q. All American vessels ?—A. Yes ; I lee-bowed the Village Belle, of Gloucester, Captain Harvey (he had 100 barrels on deck at the time), and took 90 barrels out of the same school.

Q. Did all the fifty vessels fish within a quarter of a mile of the shore ?—A. Yes.

Q. Did they all get good catches ?—A. Some, who had been fishing before in the bay, finished their trips by 12 o'clock, and hauled their colors for home.

Q. Did every one of the fifty vessels get a full fare ?—A. They pretty well filled up by that time ; some remained afterwards. I remained till I got 180 barrels. I got 90 wash-barrels that day, and made it 180 barrels before I left.

Q. In the same place ?—A. Yes.

Q. You all got fares there ?—A. Yes.

Q. Near Margaree ?—A. Yes ; close inshore and around Cheticamp.

Q. What price did you get for your fish ?—A. I sold them next spring in Boston, to Messrs. Snow & Rich, for \$21 and \$22 per barrel. I brought the crew out in the fall before.

Q. You have spoken of 50 vessels being here and 50 vessels there ; what was the number of the American fleet in 1851 ?—A. I think, in 1851—it would be hard to recollect the number—it would be over three hundred vessels.

Q. Near Margaree ?—A. No ; but at and about and along East Point, there were all 300 of sail at the time of the American gale.

Q. But about how many vessels did the fleet in the gulf that year comprise ?—A. I don't remember how many were there.

Q. Have you seen three hundred sail at one time in the bay ?—A. Yes ; at Port Hood at one time.

Q. You are not able to state the number of the fleet in the bay ?—A. No.

Q. As you have been a practical fisherman I wish to ask you what the average catch of the fleet would be. Can you state that ?—A. For a year ?

Q. Yes ; or any number of years. Of course, only during the time you were fishing.—A. The number of barrels ! I suppose it would be an average of 500 or 600 barrels. That is what we generally understand. Some used to get three trips. I have known some to get three trips.

Q. On that three-trip question, what proportion would make three trips ?—A. I venture to say one-fourth of the fleet. They would bring in two trips to the strait and ship them in coasters or land them there, and the third trip they would take on themselves.

Q. That is to save the time of going home ?—A. Yes.

Q. Well, this present year have you taken any notice of the fleet passing through the Gut of Canso ?—A. I have taken notice. I have not been interested in it. I did not take as much notice as if I had known—

Q. That we were going to call you ?—A. Yes ; but I hear the American captains. A great many of them call at my place at our harbor, and I have a way of seeing them. I am acquainted with a great many of them. They do not find any fish on their own shore this year. We find a great many of these seiners come down. The way we know them to be seiners is that they tow their seines.

Q. Have they more boats than usual ?—A. Yes. I was speaking to

that he had a great number of dories, and I
; with them. He said that they found that the
re; that they could not get in for them with
g to use dories.

close in that they take dories to enable them

s through the gut that go to the bay?—A. No.

.A. Some of them go around Scatari, and up off
e very fine fishing along that coast off Cape
Aspy Bay is rather a fine fishing ground.

ssary to go through the gut at all?—A. No. If
lalen Islands or anywhere there they often go
e map to course outside of the island of Cape

t number go that way?—A. Yes; some go to

ortion that go through the gut?—A. Yes. In
he Strait of Canso very handy to go through,
ather they go round, many of them. I have
ell me, when they were coming home through
one around outside.

be weather to a large extent?—A. Yes. If a
fitting out, instead of, perhaps, having to beat
in down the eastern shore of Cape Breton and
s at once.

living for the last fifteen or sixteen years at Port
ait caught there? Is that a good harbor for
s; they are getting into it now for a few years
hat they have found those squid there—two or

that bait for?—A. For trawling on the banks.

is been there catching these squid?—A. Yes.
n yourself?—A. Yes.

—A. Yes.

ou seen with your own eyes?—A. This year?
last year about 25 or 30 sail; and partly the
in and anchor, and put two men in a dory, and
They are at it night and day. In the night
the squid come around and are caught. In
have got their bait, and away they go to the

lers get their bait, all of them?—A. The whole
t their bait on all parts of the Nova Scotia
y can't get squid on the banks. There is only
Grand Bank that the squid are there. When
ere, but when they cannot they come inshore
buy herring or mackerel, or they catch squid.
oy catching or buying they put in ice and then

prosecute the bank fishery without this?—A.
without something.

these from their own country?—A. Yes; that
be that the first trip, when they went from
t that will last for only one or two baitings.

And if they cannot get bait on the Bank then they have to haul up their anchor and get it inshore.

Q. Well, it is necessary for them then to buy bait from you?—A. Well, the salt bait will not catch the fish while there is other bait there.

Q. For trawling it is absolutely necessary to have fresh fish?—A. Yes; if it was not necessary they would not come.

Q. And besides the bait they must have ice?—A. Yes.

Q. Do large numbers get it?—A. Yes; a good many go into Newfoundland shore and get herring. The rest come to our shore; the nearest place they can get.

Q. Without it they could not prosecute the cod fishery at all?—A. Not to any success.

Q. Now, as to the American coast-fishing; have you ever known of any British vessels going there to catch mackerel?—A. I heard tell of one.

Q. We have been chasing that one now for a long time. Can you give us the name of her?—A. No; I cannot.

Q. Did you ever see any one that could?—A. I think she is like the "Flying Dutchman."

Q. Would you yourself like to invest money fitting out for that fishery?—A. I would have no chance.

Q. It would be nonsense to talk about it at all?—A. Certainly.

Q. It is not feasible?—A. No.

Q. Supposing the Americans were not allowed to fish within 3 miles of the coast, could they make any fist of fishing in the gulf?—A. I do not think they would continue it.

Q. Just give us your candid opinion.—A. My candid opinion would be that they would not send vessels for more than one or two years before they would give it up altogether.

Q. It would not pay then?—A. It would not pay. They want all the privileges they can get before it pays.

Q. You don't think the American owners of these vessels would send them?—A. I think it would be a failure.

By Mr. Dana:

Q. You have, for a good many years, been upon the American coast?—A. Yes; I was a few years fishing there.

Q. Now, I suppose it is true, then, is it not, that all the American coast, from Barnstable, Provincetown, and all the way up to Boston and from there down the coast of Maine, there are a great many boats engaged in the day and night fishing for mackerel and other fish?—A. That is called the inside fleet. Yes.

Q. That is different from the vessels that do the outside fishing?—A. Yes.

Q. Is not that inside fleet very large in the State of Massachusetts, for instance?—A. Well, yes; I have seen them coming out of Provincetown.

Q. Take Gloucester. When there is mackerel close inshore, have you not seen them by hundreds?—A. Sail-boats? Yes, I have seen them.

Q. By hundreds?—A. Yes.

Q. How large are those boats that do this day fishing? They are boats mostly, are they not?—A. They are from 20 to 30 tons. I suppose they have large ones.

Q. Then there are those that fit out to be gone some length of time and engage in deep-sea fishing?—A. Yes.

Q. What kind of a craft did you go in?—A. I went aboard a vessel.

nd went to George's Banks. We went for
mackerel in the summer.

bing for mackerel in November?—A. We
at is between the two capes, is it not?
raps.

ave fished?—A. Yes; I could get no kind
ve never fished about Chatham.

nd inside Cape Cod, the mackerel you got
ey not?—A. Yes.

—A. Yes.

up fishing; that is, as counsel said, as a
ll, in 1851.

, then, 26 years?—A. I went trading and
otel keeper.

iding?—A. I was from '51 to '57, about 6

; was it?—A. I would buy fish and sell

No; I bought fish salted in barrels. If I
them. I would also buy them salt.

ur fish for sale?—A. Generally to Boston.
A. I did not do anything with cod.

bait and sell it again to your own peo-
en I traded with were fishing with nets
seiners.

; come in there at that time to refit?—A.
usiness. I went in my vessel.

were in business, they used to refit there?
ulgrave. I did not do any of that business.

cargoes?—A. Yes.

barrels too?—A. Yes.

bait sometimes?—A. They would buy bait.
; in vessels off the coast here. I do not
off your own coast. I suppose the habits
sh and American vessels are the same?—

e to catch where an American vessel was
ed that trick from them.

it?—A. I don't think it is a fair trade,

the boats that were out? You did not feel
good mackerel catch because American
A. I would divide the school with them.

ind you would heave to?—A. Yes.

er of drifting down upon them?—A. We

too?—A. O, yes; they could haul up the

bout that, is there?—A. No.

now has squid, has it?—A. Yes; it comes

nd last there—how many weeks?—A. It
and go out again, and be away, and per-
ool will come in again in a week's time. I

have seen them go ashore, and I don't believe the fishermen ever knew they were there until two years ago.

Q. What part of the season are the squid to be had?—A. In July off and on to the latter part of October. The time is quite uncertain. You may stay a week inside for them, and go away without them, and perhaps the moment you are gone another vessel may come in and get them.

Q. How do you manage, suppose there is no vessel there when they come in? Do you catch and keep them?—A. No; we don't bother with them. They were thinking of icing them—that is, of catching a lot and putting them in ice to keep, until a vessel came in and wanted them. But it has not been done yet.

Q. When the fishermen buy them they buy them fresh and ice them?—A. Generally when they are in they catch them; they have squid-jigs.

Q. Whenever they catch them they put them in ice?—A. Yes; they have a place for the bait, and they break up the ice and put it on them.

No. 27.

MICHAEL WEAYTON, of Barrington, Shelburne County, N. S., ice merchant, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. You live at Barrington, Nova Scotia?—Answer. Yes, sir.

Q. I think that is close to Cape Sable?—A. Yes, westward of Cape Sable 8 or 10 miles.

Q. How long have you lived there?—A. I have lived on the island where I reside now about 21 years. I used formerly to live at a place near that.

Q. You have been acquainted with the way of American fishermen coming in for bait for a number of years?—A. Yes, I have been dealing with them now for several years.

Q. Well, before you did deal with them, did you know their ways of coming there?—A. Yes, sir, they came there occasionally for bait, often very often; these vessels that fish on our coast around Cape Sable Island, off LaHave Bank, and along there.

Q. They are cod-fishers, are they not?—A. Partly. There are some halibut catchers.

Q. They catch halibut and cod?—A. Yes. Fresh-halibut fishermen.

Q. That is chiefly a deep-sea fishery, is it not?—A. Yes.

Q. Where do the American vessels, engaged in that fishery, get their bait?—A. They generally take enough from home to last them a trip, but if it spoils or if it runs out then they calculate to take a fresh supply. They generally get that from us.

Q. They get their fresh supply where?—A. On our Nova Scotia shore. They frequently call in at my place for it.

Q. Do they get ice as well as bait?—A. Yes; they very often get ice. Last year I supplied them.

Q. Are you aware that they sometimes run over direct from Gloucester without bait and get the first bait here?—A. Yes; frequently. I have had them come directly from there without any. Captain Arrowsmith, from Gloucester, came over last year without any at all. I think he came for the whole season's bait. He then went to George's Bank.

found it better to do so. He did that there for it. He was fresh-halibut fish-

ermen come in the course of the season
A. Yes; they are coming in there all the

ey generally get?—A. Mackerel in the
mer. They come there as soon as they
en.

erel for bait for cod-fish?—A. Yes, sir.

it in ice?—A. Yes, sir.

cod-fishing at all?—A. O, no; fresh bait

are Americans using salt bait at all for
eing used at all now.

r neighborhood for bait?—A. Not often.

herring they get?—A. That is the chief

el come in?—A. About the 15th of May.
t is poor, however.

l you sell them for bait to the Ameri-

emselves and fish for bait?—A. They
eir catching any; they don't think it
hey would lose time, I suppose. I have
th their while to catch it, and that they
it.

s of the American vessels that come in
to one hundred tons.

y ton vessel generally require?—A. They
arrels for bait. I think some take over

Yes.

ng bait, do they not?—A. Yes.

your notice on any occasion that they
ad themselves caught on their own coast
es; their bait very often spoils when they
se it; it sours and is no good. I have
y wharf once; I think she threw over 17
the wharf and took a fresh supply of her-
1 the summer.

A. I understood that she had not been
ncester.

the bait was destroyed? What was the
hat was the cause, but it soured on them

as that got on the Nova Scotian shores?—
or a quarter of the fish that our herring-
it is not as good.

with them generally?—A. Generally the

d fishing?—A. It is not so good.

p fresh any length of time?—A. No.

are they not?—A. Yes.

y do not keep any time in the ice, accord-
to; not long. They admit that the her-

ring they get along the Nova Scotian shore is the best bait. They found that out lately.

Q. Can they get any herring on their own coast?—A. Well, I am not aware of it unless they get it at Matinicus, in the State of Maine. Sometimes they go up there and get some, and sometimes they go to Grand Manan.

Q. Well, now you say they get ice from you?—A. Yes.

Q. Last year they got considerable ice from you; that is, not only from you personally, but along the coast?—A. Yes; they did. Every one of them got a good deal more last year than this; that is on account of a great ice-house being established there at Gloucester. The ice company have contracted with the merchants at Gloucester to take ice for ten years, at \$2.50 per ton. The merchants are bound to take it. But there are a good many outsiders again that do not take it from Gloucester, and they take it from me.

Q. I suppose they are bound to take the ice from this company; but do they take enough to complete their trip?—A. They most frequently run out.

Q. But then cannot they go back to this company in Gloucester?—A. Well, it is much nearer to come to Nova Scotia.

Q. As a matter of fact, do they take time to go back?—A. No; they get it on our coast.

Q. Then the fact is, that this company only compel them to take their first supply of ice?—A. Yes; they are obliged to take the first supply, and there are a great many that don't take any more than they are obliged to even at that.

Q. But there are some outside of that arrangement altogether?—A. Yes.

Q. And those that are obliged to take it only get the first supply, and come to our coast for subsequent supplies?—A. Yes.

Q. After the Reciprocity Treaty expired, in 1866, down to the Washington Treaty, in 1871, did they come in surreptitiously at all and get ice on the Nova Scotian coast?—A. Well, they used to; yes.

Q. In spite of the cutters?—A. Yes; they used to come in.

Q. They would run the risk in order to get their bait?—A. Yes.

Q. Since 1871, there being no trouble, do they come in great numbers?—A. Yes; they used to come in whenever they could. I used to sell ice to them whenever I could.

Q. Before this Treaty of Washington?—A. Yes, even when the cutters were in the harbor I would do it.

Q. They would run the risk even then?—A. Yes.

Q. What do they say themselves about that privilege of getting ice and bait? Could they carry on the cod-fishery without it?—A. I don't think they could carry it on successfully.

Q. Well, no man carries on an unsuccessful business if he can help it.—A. Well, they might carry on the business, but if you excluded them from coming in to our shores they would have to get it somewhere else, and I don't know any other place to get it unless they would go home.

Q. They would lose a great deal of time in doing that?—A. Well, you can judge.

Q. Do you think it would be possible to carry on the deep-sea fishery without coming to the British coast for ice and bait?—A. I do not think they could carry it on successfully.

Q. Is that the opinion of the American ship-owners and ship-masters, those with whom you dealt?—A. That is their opinion.

Q. Did you ever hear a contrary opinion?—A. No. I know from ex-

not do so. They have taken as much as two and three baitings. I can show you drafts for two

by that?—A. They will get ice and bait to last rhaps they will not make up their trip, and will ly. I mean that they will get two baitings for ie. They will come in perhaps two or three

will they make from Gloucester?—A. They gen- or 4 weeks. I have known a vessel go to New- l load of halibut, 100,000 or over, and come in ace. They have gone even to Seal Islands and n me to cover their halibut, so as to have them , Gloucester.

from your own experience, that they could not without the privilege of getting ice and bait, elves?—A. Yes.

he business of supplying bait and ice for 7 years. ighborhood the other supplies that they need? quire many other supplies.

where they could buy provisions and things of e places, but they are generally provided them- , what they want chiefly.

t bait they require?—A. Well, if we haven't it nderally in communication with other harbors, noney I have given them cash to buy bait, and ors to get it.

our establishment or in your neighborhood they need for the summer, can they?—A. Yes, un- a total failure.

. Yes.

ou sell them?—A. We sell them mackerel bait ,he mackerel season, while the mackerel last. time, only from the 15th of May to the last of ; strike in.

; with mackerel and herring all through the cod- .

along without squids?—A. They don't require fall in with squids to the eastward. They catch

along with herring and mackerel without any es.

t they were not allowed to go to Newfoundland, t as well by coming to Nova Scotia?—A. Yes; ice.

hat the cod-fishermen cannot be supplied with thout going to Newfoundland, is there? They oundland to get anything that they cannot get l, they can; if they are bound to Newfoundland aking their bait down there; but it is so uncer- id sometimes in one harbor and not in the next— re in case they can't get it afterwards.

this business for some years?—A. Yes.

ed?—A. Yes.

Q. I hope the business is profitable?—A. Well, it is.

Q. You get along pretty well?—A. Yes, until this year. That big ice-house has knocked me up a little.

Q. You own an ice-house?—A. Yes, and the island it is on.

Q. I rather think you are near enough here to get your share of this business with the Gloucester ice-house?—A. Well, I try. They offer their ice for \$2.50 a ton, and I offer mine for \$1.50. It will not be my fault if I do not get a share.

Q. You advertise in the Gloucester papers?—A. Yes; I put it in a paper there.

Q. (Reads from witness' advertisement.) This is your advertisement?—A. Yes.

By Mr. Thomson :

Q. That advertisement shows how thoroughly you can supply those fishermen?—A. I do not supply them all; not one-quarter of them. I wish I could supply them all.

Q. You were asked whether the cod fishery in Newfoundland could not be carried on without going there for bait. I suppose you do not know the extent of the cod fishery on the Banks?—A. No.

Q. You are speaking at random when you say that they could carry on all the cod fishery there.—A. I do not know about Newfoundland. I only know they sometimes get bait from us. And sometimes they store it at Canso.

Q. Do you undertake to say that the Newfoundland cod fishery could be carried on without squid or caplin? Do you, of your own knowledge, say that?—A. No; I do not know anything about it. I cannot certify anything about that.

By Mr. Foster :

Q. You know that some American vessels fish for cod without going near Newfoundland for bait?—A. Yes; plenty of them.

Q. There are a number you say that get their bait and go to George's for cod fish?—A. Yes; they take their ice from here and go right back to the George's.

By Mr. Thomson :

Q. Where are the George's?—A. They are on the American coast.

By Mr. Foster :

Q. They are farther off than the Newfoundland Bank?—A. No; I do not know exactly the distance. They are not more than 90 or 100 miles.

Q. How far is it from you to the Newfoundland Banks?—A. It is a long way off.

By Mr. Thomson :

Q. These American vessels that go to fish on the Banks of Newfoundland, the Grand Bank particularly, they would not come to you for bait. That would be out of their course?—A. No; they would not come unless it was that they could not get it there. They prefer taking it down there. I have heard them say they would take it down there as it would not spoil.

Q. You say that several vessels have come to you to get ice and go off to George's to fish?—A. Yes.

No. 28.

Halifax City, hotel-keeper, on behalf of the Gov-
Majesty, sworn and examined.

:

name of the hotel you keep?—Answer. The

mariner for some years?—A. Twenty-three

engaged in the fishing business?—A. Yes.

In 1861, 1862, and 1863.

they?—A. The Julia Ann, from Portland, in
from Portland, in 1862, and the Northwester,

er vessels, or any other years, that you were
No.

in the first year, 1861?—A. Under Cape
ore.

Gulf of St. Lawrence?—A. Yes.

fishing there?—A. Five weeks.

of mackerel did you catch?—A. Five hundred

862, how long were you fishing?—A. Seven

he tonnage of the first vessel you were fishing
rightly say.

that you got?—A. Yes; she was under one
dge, considerably.

—A. Yes.

.. Yes.

rip that year?—A. Yes.

ong were you out?—A. Seven weeks.

get?—A. Four hundred and seventy barrels.

e?—A. It was not, but we went home with

trip?—A. Yes; it was a fall trip. Next year

III

out?—A. I was pretty near four weeks in the
o. We had 220 barrels when I left her.

. you where you caught those fish?—A. We
barrels on Cape George, close in among the

ie Northwester, where did you catch?—A. We
or.

did you catch?—A. About 7 or 8 miles.

i speaking of?—A. The Northwester.

el?—A. The other vessel, we fished inshore
ge, Port Hood, and Margaree.

er?—A. Yes.

fish were caught inshore?—A. The whole of
season's fish.

e fishing, did you see other vessels?—A. Yes.
very day we saw more or less, 10, 15, or 20

h their fish?—A. Close to us.

Q. All together?—A. Yes.

Q. Did they catch altogether within shore?—A. Yes.

Q. How far from shore?—A. About three-quarters of a mile; from that to a mile.

Q. I presume you were acquainted with the opinions of the men?—A. Somewhat.

Q. You conversed with them?—A. Yes.

Q. Now, would those vessels come into the bay to fish if excluded from fishing within three miles?—A. I think not.

Q. Why not?—A. Because they don't get any fish worth while of shore. They have to come inshore to get them.

Q. You have stated the whole of your experience?—A. Yes.

No. 29.

AUGUST 22, 1877.

The Conference met.

JAMES MCLEAN, merchant, Letite, parish of St. George, Charlotte County, New Brunswick, called on behalf of the Government of her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. You reside in the county of Charlotte, in the Province of New Brunswick?—Answer. Yes.

Q. That is near the head of the Bay of Fundy?—A. Yes.

Q. On the north shore of the bay?—A. Yes.

Q. In what parish do you live?—A. In the parish of St. George.

Q. Are you engaged in the fishing business?—A. I trade in fish.

Q. You live close to the shore of the bay?—A. Close to the shore.

Q. There are a number of harbors at that part of the coast; in which harbor do you carry on business?—A. We have a store at Letite and another at Black Bay.

Q. Both of which are on the shores of the Bay of Fundy?—A. Yes.

Q. How long have you been engaged in the business?—A. About 17 years.

Q. What is the chief fishery carried on there?—A. Our chief fishery is herring.

Q. You are acquainted with the fishery from Lepreau to Letite?—A. Yes; very well.

Q. That is along the main-land?—A. Yes.

Q. Among the islands lying along the coast are Campobello, Deer Island, and some minor islands?—A. Yes.

Q. Besides Grand Manan?—A. Yes.

Q. Deer Island and the smaller islands immediately around it are known as the parish of West Isles?—A. Yes.

Q. Campobello is a separate parish by itself?—A. Yes.

Q. And so is Grand Manan?—A. Yes.

Q. And they are all within the limits of Charlotte County?—A. Yes.

Q. They are all British islands?—A. Yes.

Q. Will you explain to the commission how the herring fishery has been conducted? Take the last ten years if you like.—A. Our chief fishing commences some time in November, and extends during the winter, in fact along the spring, till the last of April or first of May.

Q. You are now speaking of the last ten years?—A. Yes.

Q. How are the herring disposed of?—A. They are disposed of in a frozen state; they are caught and frozen and sold to the people who come to buy them in vessels; some are taken to Eastport, barreled up

a frozen state; they are also disposed of in
's and St. John, and are sent throughout the

It any herring?—A. Yes; we salt some; if
d, freezing, we salt them.

What take besides herring?—A. Cod, haddock,

they all caught inshore?—A. The herring

fish?—A. The other fish are chiefly taken
some of which are caught outside of three

cod, hake, and pollock?—A. About all are

inshore?—A. I mean within three miles of

near shore as a rule?—A. Sometimes very

from Lepreau to Letite, how many vessels
British subjects?—A. From Lepreau to Letite
between 50 and 60 vessels.

of boat fishing?—A. Yes.

employed?—A. I should think there would

to Letite?—A. Yes.

—A. About 21 miles. I think there are 150

in which you carry on business—Letite and
the number of boats in those harbors alone?—

of business done as you go in the direction
of Harbor; how many boats are there at that

ing ground?—A. It is a splendid fishing

Beaver Harbor as at Letite and Black Bay?

are there at Lepreau?—A. Not a large num-

at Maces Bay?—A. A few boats there.

Deadman's Cove?—A. Yes.

ing place?—A. Yes; a few boats are owned
at Harbor.

If boats at each of these places added together
give you the number at 150; I dare say there
overdraw it; I want it to be under the num-

70 between Letite and Black Bay?—A. Yes.

there are as many in Beaver Harbor?—A.
ly.

only 10 additional boats as far up as Le-
it will be fully up to 150, quite likely 200.

ely as to 150, and there are quite likely to
no hesitation in swearing to 150.

many men will be employed on each vessel
vessels are of different tonnage. Some may

have as many as from 6 and 8 to 10 men. Our vessels for herring fishing are of small size.

Q. How many men do the boats employ?—A. There are generally two men in each boat.

Q. I presume these vessels are used for herring fishing only in the winter season?—A. For the herring fishing in the winter season. When the herring is right inshore, the natives along the shore use boats. When the herring move off, if they have not vessels, they cannot follow the fish. They have to go in vessels to follow the herring, perhaps ten miles along the shore to another harbor.

Q. Before the Treaty of Washington, in 1871, how did you deal with the fish? Did the Americans come in as much after the abrogation of the Reciprocity Treaty and before they commenced under the Washington Treaty?—A. Not catching herrings.

Q. Did they do so after 1871?—A. Yes.

Q. Tell the Commission how you dealt with the herring before 1871?—A. We dealt with them as we do now. The Americans came down and bought them; if not, we loaded a vessel ourselves and shipped them frozen to New York.

Q. There was no duty imposed?—A. We never had a duty charged on frozen herring and fresh fish.

Q. What was the duty on salted herring before the date of the Washington Treaty?—A. Half a cent a pound right through or \$1 per barrel, and 50 cents a quintal on dried fish.

Q. Notwithstanding that duty, you shipped largely to the United States?—A. Yes; it did not make any difference to us, duty or no duty.

Q. Before the Reciprocity Treaty, did you get as high or higher prices as now for your dried fish?—A. We got higher prices than now, a good deal higher than we are getting this season.

Q. You made more money after paying the duty than you do now?—A. Yes.

Q. Since the Washington Treaty the Americans have come down and fished a great deal?—A. Yes.

Q. Are the fishing grounds in your locality entirely in British waters?—A. Our herring fishery is altogether in British waters—all that I know of; I don't know of any in American waters.

Q. It is altogether within the three-mile limit?—A. Altogether. I don't know of any beyond three marine miles of the shore not within our locality.

Q. Do you think the Americans fish anywhere for herring except on the coast?—A. I don't think so; not in our neighborhood.

Q. And so with regard to the other fish, except cod, which is caught outside?—A. A great many of the cod are caught inside and a great many outside of the limits.

Q. You put the cod as being chiefly caught outside the limits?—A. Yes.

Q. But haddock, hake, and pollack are all inshore fish?—A. I should say chiefly inshore with us.

Q. You own fishing-vessels yourself?—A. Yes; and supply fishermen.

Q. Do you fish for cod, pollack, and haddock as well as herring?—A. Yes.

Q. You know where the catch is made—that it is all inshore?—A. Principally. I don't go in my own vessels, but I know from the statements of my captains. I keep the run of them and know where they are.

the other fish you have mentioned caught in—Our haddock, hake, and pollack are all inshore

from your own experience as a vessel-owner?—A. Yes;

fishing from land?—A. Yes.

within the three miles?—A. I should think so.

What about it?—A. I have not much doubt about outside; but we call those all inshore fish.

What number of British vessels and boats in your harbor?—A. Do you take the county of Charlotte?

—A. In the winter-time we are outnumbered.

What number in winter-time?—A. In the herring fishing on our coast from 100 to 125 American vessels fishing, small

vessels from Leite?—A. Yes; off Beaver Harbor, and Lepreau.

What number of vessels?—A. They range from 10 up to probably

100 fishing?—A. For herring chiefly; a few fish for

pollack or haddock fish for herring as well?—A. No; not for haddock.

How many come down for haddock fishing?—A. Not many come down for haddock. I know of one or two personally; there

are about 150 vessels fish for herring?—A. Yes,

the Commission the process of fishing, what they do when they come down there?—A. They come down in great numbers in our harbors in blustering weather, and in the morning and set their nets. They have large warps, and set a gang of nets, two or three nets are all allowed to remain out all night long, if it is not windy. If it is too windy the nets are taken in, and the nets have to remain in the water until they are taken in. The vessels do not take up the herring is taken on board of the vessels. When there is a large catch, the men take the herring to the shore; if there is only a small catch, they freeze them on the ice, freeze the fish so well on deck as on shore.

Do they land the fish?—A. Yes.

Do they lay the herring on the ground?—A. Yes. In the morning they take the herring and lay it on the ice always in the harbor.

Do they receive the herring as soon as frozen are delivered?—A. Yes; they are outside of the 125 I mentioned.

What number of vessels which are in the harbors with buyers?—A. American vessels.

Do they come ashore frozen and then taken in small boats and sold to buyers?—A. Yes.

When those vessels are loaded and leave, their owners?—A. Yes.

Q. The business is carried on in that way until, in the spring, the fishing-vessels go away empty?—A. Yes.

Q. They have sold the fish as they caught them?—A. Yes; they dispose of the herring just in the same way as our own vessels. Some vessels sell what they catch during the winter, and then catch a load, or part of a load, go home, and sell them. As a rule they go home empty.

Q. Is a catch of fish a cash article?—A. Yes.

Q. The cash is handed over to the seller immediately the fish is delivered. They pay so much cash per 100; what do they pay for herring?—A. It is according to the season and the scarcity. They generally start at the first of the season at from 45 cents to 50 cents, and at the latter part of the season they go down to 45 cents, 40 cents, 35 cents, and 30 cents per 100.

Q. Would you average them at 40 cents all round?—A. They would go at very nearly that, I should think.

Q. Without the privilege of landing and putting the herring out to freeze, the American fishermen could not very well carry on the business?—A. It would be a little awkward.

Q. You say they could freeze only small quantities on deck?—A. The herring must be kept separate and turned over; they cannot freeze very well when lying 6 or 8 inches deep. They must get the herring thoroughly frozen—just like ice.

Q. It is practically impossible to freeze them in that way on deck unless the catch is very small?—A. Unless the catch is very small.

Q. It is much more convenient to land?—A. Yes; with large quantities it is more convenient to land.

Q. Is it not a very great convenience and privilege to the Americans to be allowed to do so?—A. I should think so; I look upon it as such.

Q. The Americans themselves consider it a privilege to land?—A. I suppose so.

Q. Obviously it is a very great privilege?—A. It looks that way. I know that all our fisherman have to land to freeze the fish, and the Americans follow the same methods. There is no difference between them at all; at least I do not see any difference. They fish in the harbor just in common with our own men.

Q. Before the Americans came there it was the rule, I think, that the nets should be left set in the day-time?—A. That is our law.

Q. And there is a very good reason for it?—A. Yes. The reasons for it are diverse. When a great many fishermen are there, if they leave their nets set in the day-time it scares the herring away. There will be at such a time probably 20 or 30 tiers of nets, and if they are left in the water during the day, this frightens the fish away.

Q. Before the Americans came in there at all, I understand that the nets were not left down in the day-time?—A. Yes; the reason why was that if the nets are so left set it scares the herring out of the harbor.

Q. Because the fish can see the nets in the day-time?—A. Yes. The fish will not mesh in the day-time, but they will during the night.

Q. They do not catch themselves in the nets during the day?—A. No; nor on moonlight nights.

Q. The night is the proper time to put out nets to catch herring?—A. Yes; and the darker the night the better.

Q. In fact, the regulations were such that the fishermen had no right to keep their nets down in the day-time, and none were to be set from sundown on Sunday night until sunrise on Monday morning?—A. I believe that such was the case.

have come in and changed the practice?—A.

ts down all day?—A. Yes; and all day Sun-

nets up on Sunday?—A. Sometimes they do
ot; this is done just as it suits themselves.

nd Saturday alike?—A. I do not see that they

of that kind of fishing on the fish?—A. It
ight close inshore to one and a half miles and
of our harbors into deeper water.

system of fishing been destructive to these

ne thing, they set rather too many nets. If
fish, they set so many nets that they cannot
all; and if nets are allowed to remain long in
sink after a certain time to the bottom; and
remain for 24 to 48 hours the fish become
the bottom of the fishing-grounds.

the bottom, the herring and nets are all lost?—
case. Sometimes the nets are recovered after
' half-decomposed herring. The nets are not
re, and the bottom is corrupted. The herring
minutes—after being caught in the net.

of all this on the fishing-grounds?—A. They
erring shun the spot; they will not frequent
keep farther out.

ing ground near your coast?—A. Herring ap-
r; we find that this is the case in all our har-

chief spawning-time extends from about the
idle of September?—A. It extends from the
of October.

ed the close season?—A. Yes.

ae spawn all the year round?—A. I have no

ing spawn in the winter?—A. Yes.

herring in the boats on the coast.

were ready to spawn?—A. Yes. I have made
a about it, and one man in St. Andrew's Bay
was sunk for ten or twelve days it would be all
ould rely upon this person. The spawn become
a the bottom. At the time we were trying to
et off as a spawning ground. St. Andrew's
of Passamaquoddy.

alled the inner bay of Passamaquoddy?—A. I

me time a great herring ground?—A. It was
round.

on of the Washington Treaty, and since the
ere, what has become of it?—A. It has been
two years; it is now no good whatever.

icans destroy it?—A. By bringing too many
ing too many nets. The water is quite rough
blowing heavily in from the northwest. North-
ter, and three years ago we had a very hard

winter. There was a great deal of wind, and a very great number of nets were set. Within a few hours of their being set, at night, they would be full of herring, and perhaps they were not drawn for a week or ten days, and perhaps never; and when this was done, they were found full of rotten and corrupt herring. Many nets were allowed to lay there, and this altogether destroyed these fishing grounds. Within the last two years we have got no herring at all there worth speaking or taking notice of.

Q. This has been done by American fishermen?—A. Not altogether; the American fishermen helped to do it; a great many Americans were concerned in it, but our fishermen were in it too.

Q. Were your fishermen driven to it in order to compete with the Americans?—A. They have to do it; they must do it.

Q. Another mode of fishing—trawling—is practiced with larger fish, such as pollack, haddock, &c.; explain the effect of it.—A. Trawling has been pursued, as I understand it, during the last six or seven years.

Q. That is, since the ratification of the Washington Treaty?—A. Yes; it began about six years ago. Our fishermen commenced to trawl with 500 hooks, but the number has gradually crept up, and this year they trawl with from 1,500 to 2,000 hooks. We found after the first one or two years' experience at it that on the ground where we had trawled one year no fish were to be got the next year; then we would have to go half a mile or so farther out. One of the reasons for the disappearance of the fish is the throwing over of the gurry there.

Q. Gurry is the offal of the fish?—A. Yes. The skate, a fish that lies on the bottom, eats this offal; but these lines destroy about all these fish and leave nothing to eat up the offal.

Q. How is this done?—A. The hooks lay right on the bottom, and the skate, which act as scavengers, also lay right on the bottom, and as these hooks lie close to them, they swallow the bait lazily and are drowned.

Q. The same statement holds good with regard to the mother fish?—A. The mother fish are stupid about the time of spawning, and then lie on the bottom; and they take hold of these trawling hooks. These hooks are small; a great deal smaller than the hand-line hook, which is double their size. The hand-line fisherman lets his line down, and as soon as he strikes the bottom with his lead, he hauls the line up about six feet.

Q. How far is the lead placed above the hook?—A. About a fathom. He hauls the line up so as to have the bait clear of the bottom and clean, and so the mother fish hardly ever pay attention to it. They do not want to catch these fish, but the trawling hooks catch everything, including little fish and mother fish.

Q. When they are hauled up, what is the result?—A. A great many large fish have swallowed the smaller hooks, and their mouths being kept open are drowned. They drop off the hooks dead to the bottom, and the fishermen tell me they believe that one-half of the fish that they kill on the trawls they do not get.

Q. This is in addition to the taking of small fish, which are useless to them?—A. Yes.

Q. Are no skate and pollock, &c., taken?—A. Yes; but skate are not good save to act as cleaners of the grounds and eat up the offal.

Q. The Americans introduced this system of trawl-fishing?—A. Yes; I believe they got it up.

Q. What is the effect of this trawling on the bottom, on marine weeds and other substances on which the fish feed?—A. It clears the grounds

and in fact of about everything on them. and brings up all kinds of substances, owing books.

trawling is, that one-half of the fish they the fishermen have to move off to other consequence of it.

food of the fish besides—such as marine netimes catch fish with their entrails full of from the bottom.

ould be the average yearly value of the fish in Charlotte County, from Lepreau to Letite? taken by each man on the average?—A. It is that. They vary a good deal. I should think each man should average at least 40,000. If he has a very poor winter's work.

each man must do that and more?—A. Yes, so he cannot live and pay his bills.

her fish?—A. O, yes.

actical knowledge of the fishery, being an expert in dealing with the men who fish as you do, would be the value of the fisheries and fish caught by British subjects between the Lepreau to Letite? What would be a fair estimate?—A. I should estimate the quantity for Charlotte and adjoining islands. We all fish, and it would be

the catch of the islands as well?—A. Yes; and occasionally, and the adjoining islands

the whole?—A. A low estimate for our fishery for the year.

—A. Yes.

—A. Yes; I think I am under the mark; not at all.

deal more?—A. Yes.

of a doubt that it is at least a million?—

nds take a considerable amount more?—A.

nd more vessels?—A. Yes.

as much?—A. Yes; fully as much as we

that they do take more?—A. I believe that

it?—A. No.

million dollars' worth taken by them?—A. Not a million dollars' worth.

st calculation?—A. Yes; I put it down as a low estimate.

much as we do?—A. I believe that they take as much anyway.

as well as our own, on which you place an estimate in value, is taken within three miles of the shore, limiting myself to within the three-mile limit. Fish come down there for bait?—A. A good

Q. You have stated that the proper season for herring was from November to March and April; do the Americans confine themselves to that season, or do they fish during the summer months?—A. They fish during the summer in common with our fishermen. The herring are about that time on our shore, and about May they leave it. Then fishing for herring as a business is discontinued, and we go for pollock, cod, and haddock. In the spring, right on our main shore, for about three or four weeks, there is not much fishing to speak of; this is a kind of rest, though the fish apparently play in at the time. The men then go after hake and haddock.

Q. And the Americans come down for them?—A. Yes; just the same as our own men. I do not see any difference between them.

Q. And they are fishing there now?—A. Yes, every day.

Q. In large numbers?—A. Yes.

Q. How is the fishery this year?—A. It is very good indeed.

Q. For pollock?—A. The pollock fishing is a little extra this year.

Q. Point out Quoddy River; is not the catch of pollock there large?—A. Yes.

Q. No fish are caught in American waters in that quarter at all?—A. The fishermen do not fish in American waters; that is, they do not make a business of it. I have never seen them do so.

Q. What is between the islands is what is commonly called the Quoddy River, which is a strong sea current?—A. Yes.

Q. There are numerous eddies in it, and in them you get the pollock?—A. Yes; when the tide is running, we fish on what is called the slack.

Q. There is an extra catch of pollock this year?—A. I was talking to several persons there and they informed me that from 800 to 1,000 quintals of pollock were caught daily.

Q. That is between these islands?—A. All this was caught in British waters.

Q. And is not more than half of these fish taken by Americans?—A. We estimate that fully one-half is so taken.

Q. What are pollock worth a quintal?—A. The price is very low at present; it ranges from \$1.25 to \$1.50 a quintal.

Q. This is an exceptionably low year as regards price?—A. Yes. Last year we paid \$2.75 and \$3 a quintal.

Q. Along the coast of Maine, say from Eastport westward, there lives a large population who fish entirely in our waters?—A. Yes. They came from Lubec, Perry, Pembroke, and Eastport, and along to Cutler, and westward of Lubec, and still further away than that.

Q. And from Machias?—A. I think so.

Q. They all come and fish in our waters?—A. Yes.

Q. And not in their own waters?—A. I do not know of any fishing within the three-mile limit in their waters.

Q. Within three miles of their coast, there is no fishing of which you are aware?—A. Yes.

Q. And this is a population that lives by fishing alone?—A. From Eastport and along there, they follow fishing for a livelihood beyond question.

Q. So that a large body of American fishermen gain their whole livelihood in our waters?—A. Yes. Those that fish there do.

Q. What would you say is the quantity of herring alone that come to Eastport in the course of the season; how many millions go to this small town during this period?—A. I should think, at the least calculation, from 7 to 10 millions.

own waters?—A. Yes. A few might be caught

is rather under than over the mark?—A. Yes.

h I want to put my estimates.

r practical acquaintance with the fishery, about 00,000 you mentioned as having been taken in our waters, would be actually made by the Americans?—A. That is a pretty r. When we supply the fishing-vessels, we find rks, nets, &c., and give the men one-half of the ring to find, while on board, save their clothing; l for one-seventh of the catch in fish or in value, provisions, salt, &c.

ow estimate, what would you say would be the on the average from year to year?—A. I think quarter or somewhere in that neighborhood.

estimate?—A. I do not know but what it is, but taking one year with another. I think it is not like to state it any higher; it is an expensive

at an end and the Americans kept out, would it shermen?—A. I think so. That was my experience; there was such a tremendous number of Americans that it was better when they did not have waters. We then had better times and got more pay the duty.

in your neighborhood when a duty was im-

l the same privileges as now with regard to the e into the American market?—A. Yes.

were kept out of our waters altogether, and you iding fresh fish into their market free, would it you than now?—A. Yes.

about that?—A. None whatever.

r place where the Americans can get their herr- . Yes.

now that they procure herring down here in ter time at Prospect and Halifax, and that they r them.

ther place where they may go for them, to your not know of any other place during the winter. e have tolerably safe fishing from November in we have good harbors.

ors?—A. Yes.

ome down and buy herring for bait?—A. Yes. cipally in the spring.

ole Gloucester fleet come down for bait when nks, or George's Banks, and the Banks of New- nber do. I should think that from 75 to 100 sail, vn there generally every spring.

.A. Yes.

buy it?—A. They generally buy it.

atch about Grand Manan Island?—A. The re- is that they generally catch it there.

by generally buy it?—A. Yes.

Q. And sometimes they catch it?—A. Yes; they have that privilege. If they can buy it cheaper they do so.

Q. So as not to waste time?—A. Yes. We generally prefer to buy bait for our own vessels in the spring.

Q. If you are sending vessels to the Banks, you prefer to buy the bait and send them right off?—A. Yes; that is it exactly.

Q. In consequence of the fishery regulations for the last 8 or 10 years have you found that herring or other fish have with you increased in number?—A. The herring, since their spawn has been protected, have increased wonderfully.

Q. Where are their chief spawning-grounds?—A. Off the southern head of Grand Manan Island.

Q. That is their great spawning-ground for the Bay of Fundy?—A. Yes.

Q. If that is destroyed, what will become of the herring fishery?—A. It will be ruined.

Q. Are you aware whether it has been meddled with by the American fishermen, in spite of the regulations and attempts made to prevent it?—A. Yes; this has been often the case.

Q. They lie off and come in at night?—A. Yes.

Q. In spite of efforts made to protect the grounds they come in?—A. Yes.

Q. It requires a cruiser to keep them off?—A. Yes.

Q. You are aware that the Dominion, within the last eight or ten years, has gone to large expense to protect the fishery all along the coast?—A. I have so understood.

Q. Who is the warden at Grand Manan Island?—A. Walter McLaughlin.

Q. And at Deer Island?—A. James M. Lord.

Q. These men look after the fishery grounds?—A. Yes.

Q. And in spite of all they can do the American fisherman will come in?—A. Yes; that is what I understand to be the case.

By Mr. Foster:

Q. How many years did you state that you had been in the business of trading?—A. About 17.

Q. And how far are your two stores from each other?—A. About two miles by land.

Q. And by water?—A. Between three and four miles.

Q. How large is the village where you reside?—A. It contains from 70 to 80 rate-payers.

Q. And how many inhabitants?—A. From 300 to 350.

Q. That is St. George?—A. No. It is Letite, in the parish of St. George.

Q. How many inhabitants are there in the village in which your other store is situated?—A. Nearly 400; and I suppose there are about 80 rate-payers.

Q. In these two villages live about 700 people?—A. Yes.

Q. How many live in the whole parish of St. George?—A. I cannot give the exact figure. The population of the county of Charlotte is 25,000, I think.

Q. What is its area?—A. The county is about 50 miles long; it is extensive.

Q. It runs back a considerable distance?—A. Yes.

Q. How near Fredericton does it run?—A. It is some distance from Fredericton.

business you do about the same from year to year or increasing in these two stores?—A. Within the last year or so.

How long has it been so?—A. About four years ago.

What business did you then do?—A. My brother and I would estimate the business for the year at \$100,000.

—A. Yes.

What does the business consist in?—A. Yes.

What kind of goods?—A. Yes.

Is it almost wholly done in connection with the

trade there?—A. In the small boats,

with you?—A. Yes.

Do you own fishing vessels?—A. We own shares in some

—A. They are quite small; they range from twenty tons.

How many do you own shares in?—A. In four.

What is the catch of the vessels—perhaps that is your chief business?—A. Yes.

Do you handle cash?—A. Yes.

How much?—A. We handle from \$50,000 to \$60,000 worth of

\$20,000 or \$30,000 of your business is done for

\$100,000 is represented by herring?—A. We have a large quantity of herring of late years. The Americans come and we do not bother with them.

What do you principally handle?—A. Haddock. We handle a good many pollock.

Do you ship the pollock?—A. We ship some to Portland and some to Boston.

How do you handle them?—A. We salt and dry them.

Do you handle cod?—A. Yes.

Do you handle it for pollock in the United States?—A. We do not handle it here.

Do you handle it at Portland?

What is the market for consumption there?—A. I do not know whether we sell them or not.

Do you handle any pollock shipped direct from the province to the States?

Do they go?—A. The hake and haddock go to the States.

Do you sell them to the Americans or ship them?—A. We sell them to the Americans.

Do you handle them thence?—A. I suppose so.

Do you say that the price of herring is now very low?—A. Yes.

Do you think I said so with reference to

herring?—A. They are very low in price.

Do you handle a trade in smoked herring?—A. No.

Do you handle them in boxes?

- Q. Of whom?—A. The fishermen who smoke them.
- Q. What are they worth a box?—A. About 17 cents.
- Q. How many does a box hold?—A. About 70. These are a small herring.
- Q. Is not a larger herring caught in your neighborhood?—A. Yes.
- Q. How is it sold?—A. By the hundred or by the barrel.
- Q. What do these sell for by the hundred?—A. From 30 to 50 cents; and sometimes for more.
- Q. How large are they?—A. They are from 12 to 13 inches long, I should think.
- Q. How many of them are there in a barrel?—A. I think about 500.
- Q. What proportion of the herring taken in your vicinity goes to the United States?—A. I think three quarters.
- Q. Where does the remainder go?—A. It is sent to St. John's, through the Dominion, and all around.
- Q. To what do you attribute the low price of herring?—A. I think that too many are caught.
- Q. Is there any diminution in the supply?—A. I do not think so.
- Q. They are superabundant?—A. Yes.
- Q. Has not the disposition to eat smoked herring fallen off?—A. I cannot say.
- Q. Do you not happen to know that they are less eaten than they used to be?—A. No.
- Q. Are the herring taken in the winter and frozen used for food and bait?—A. They are used chiefly for food.
- Q. How are they sent from this place to the United States?—A. Chiefly in American vessels. They come down and buy them in bulk.
- Q. In pretty large quantities?—A. They take from 150,000 to 400,000 in a vessel.
- Q. During what months?—A. They commence to come as soon as the weather is severe enough to freeze the herring well, and they continue to come until the freezing weather is over. I think that these vessels are occupied in fishing during the summer.
- Q. These are not taken wholly for bait?—A. I do not think so. They are taken in full cargoes.
- Q. And they go back to the States and sell them?—A. Yes.
- Q. Where would be the nearest market town for herring in quantities in case you did not sell them to these vessels?—A. There is Eastport, Saint Andrew's, and Saint John's. Eastport is about 10 miles from Saint Andrew's, which is in British territory. Eastport is a small town containing about 8,000 or 9,000 people.
- Q. You do not really mean 8,000 or 9,000?—A. I cannot give you an exact population. It is quite a small town. Its population is probably a couple of thousand.
- Q. Do you send the most to Saint Andrew's or Eastport?—A. We send the most to Eastport.
- Q. And a good deal the most?—A. O, yes.
- Q. Very many more than either to Saint John's, N. B., or Saint Andrew's?—A. Eastport merchants' vessels come down and buy the fish and take them back and ship them.
- Q. If these vessels do not come down you say that you send them to Eastport, Saint Andrew's, and Saint John's; where do you send the greater part of them?—A. To Eastport.
- Q. You send more there than both Saint Andrew's and Saint John's?—A. O, yes; a good deal more.
- Q. Is there any distinction made in sorting the herring between the

those to be used as bait?—A. No. They are
 salt as for eating. In the winter all the herring
 being are frozen.

eaten?—A. O, yes.

is due to their abundance?—A. Yes.

as to how the price has ranged during the past
 the price shown a falling tendency?—A. Two
 very high. The winter was blowy and blustering,
 fishermen a high price for them, but lost money

very?—A. As high as 85 cents a hundred.

.7 cents a box?—A. Yes.

price a hundred paid to fishermen for frozen
 usually about fifty cents and they end at from
 sometimes as low as twenty cents, and even

not taken save by seines?—A. They are taken

like them at Grand Manan Island?—A. Not in

them there?—A. In the summer, sometimes.
 ever at all?—A. No.

any of them except inshore?—A. I do not know
 they are taken in winter off shore. They cannot
 be taken with nets.

do not take any except on British coasts?—
 caught elsewhere in winter.

anything about it—whether this is the case or not?—
 a large fleet of American vessels comes into our

whether they take herring as far as Eastport in
 they do take them somewhere about Eastport, but

It is in British waters. You can lay within
 the line in British water.

do they take no herring in winter below Eastport on
 the mainland. I have never known any herring to speak of
 there.

right up to the line?—A. I do not think that
 fishing there. None are caught up to the line
 they are taken four or five miles away from East-
 port there.

is that there is not much of a summer fishery?—
 little of it.

in your own neighborhood?—A. No.

confirm your observation?—A. There is some at
 where they go for bait; but there is none of any
 on the mainland. The whole fishery stops when it
 freezes the fish. The herring appear playing in
 the shelter, and afterward, in the spring, they ap-
 pear in places.

difficult for the Americans to freeze their herrings
 on the mainland?—A. Yes.

fishermen would probably have to go fifteen, six-
 ty miles to do so.

—A. By water.

Q. And you think they could not do that?—A. I think that they could; but if they did so, they could only fish one-half of their time.

Q. How soon after the herring are caught is it necessary to freeze them?—A. It takes some time to pick up a net and take out the catch in the morning, and when this is done pretty much of the day is spent, and the men have then only an hour or so to work with the herring before the night falls. It takes the greater part of the day to pick up the net and stow it; and then, if they had fifteen or twenty miles to go afterward, the weather might be calm or the wind be ahead.

Q. How far do your fishermen take them to find a place for freezing them?—A. Perhaps 20 or 30 yards from where they lay at anchor in the harbor.

Q. They are right inshore?—A. Yes; they lay right inshore in the harbor.

Q. And you say that about Eastport and Lubec, on the American side, no herring are caught in weirs?—A. I did not say that. I said that no large herring are there caught, to my knowledge, in nets.

Q. Then they do catch them there in weirs?—A. Yes.

Q. In large quantities?—A. Yes; small herring.

Q. These herring are frozen?—A. No; they are not caught in the winter.

Q. Not on the American side?—A. Not in the winter.

Q. They only so catch small herring?—A. Yes; small herring, which is not fit for being frozen.

Q. What proportion of the herring caught is frozen?—A. A very, very small proportion.

Q. And of that which is not smoked, do the Americans either for food or bait?—A. Yes.

Q. I thought you did not do much at the present time for herring, but we do for cod. We do not do much for herring.

Q. And of all the herring caught by you, how much goes to Americans, either for food or bait?—A. Very little.

Q. And of the \$50,000 or \$60,000 worth that you catch, how much goes to the Americans?—A. About one-tenth.

Q. Where do you sell the rest?—A. In the market. Some are shipped to the West Indies.

Q. Perhaps you will explain a little more about the American mode of fishing in destroying the herring?—A. The trawling is done with hooks.

Q. And you attribute the injury done to the herring to the mode of fishing?—A. I do.

Q. How long do you think that the influence of these lines would continue on a herring?—A. A few days.

A. Fishermen tell me that after fishing with trawls, the next year, with the trawls, they catch a great deal of material there, and that it smells so offensive that it is thrown away in the boat.

Q. You think that it lasts beyond one season?—A. Yes; it lasts for several years.

Q. Are many skate caught on these hooks?—A. Yes.

Q. What fish eat seaweed?—A. Haddock and cod eat seaweed, however, but a kind of vegetable matter.

Q. What is it?—A. A kind of vegetable substance of a dark gayish color.

Q. Is the business of the fishermen more profitable than that of the traders with you?—A. I do not know but that it is sometimes.

Q. But generally speaking?—A. Well, no.

Q. Do you think that their proportion of profit is the greater?—A. I do not.

Q. Did you estimate the 25 per cent. of the million dollars you mentioned as their portion of the profit?—A. I said it was about one-quarter.

Q. You think that they make one-quarter or \$250,000 a year?—A. Sometimes, taking the whole year round.

Q. You think that it is their usual profit?—A. Yes.

Q. In your business, do you make a larger proportion?—A. Perhaps we do and perhaps we do not. We have to take things as they come.

Q. Traders average more profit than fishermen?—A. We try to do so.

Q. And the fishermen make one-quarter of the average of the catch?—A. Not all; probably some make a great deal more, but that would be the average. I know some who make more than that.

Q. You make allowance for each?—A. Yes.

Q. How much do you allow for wages?—A. We have to allow ordinary wages.

Q. What are they?—A. If a man is worth \$1 or \$1.25 a day, according to season, we must allow it. If I supply 50 or 60 men, I have a cost on them, and they have only a profit on their little lot of fish for the season. Our laborers get about \$1.50 a day.

Q. Do you intend it to be understood that with respect to the catch of a million dollars' worth of fish, you allow the fishermen wages from \$1 to \$1.50 a day, while their profit is \$250,000?—A. We do not look upon it in that way.

Q. How do you look upon it?—A. In this way: that a fisherman puts his time into his business like a merchant, and if I make a profit, I do not say that I get so much a day, but that I make so much during the season in trading. If a fisherman fishes all the year, and if, after he pays his bills, he has 33½ per cent. or 25 per cent., we look upon that as clear profit.

Q. Is this clear one-third or one-quarter after he pays his bills with reference to his vessel or his family?—A. I refer to all fishing expenses.

Q. But you do not mean apart from these expenses?—A. Of course not.

Q. Then you simply mean that you think these fishermen get from 25 to 33½ per cent. profit on their catch?—A. Yes.

Q. Which goes to pay them for their time?—A. Yes; and their family expenses.

Q. That is what they live upon?—A. Yes.

Q. What do you think that the fishermen would get apiece?—A. If they do not earn \$600 or \$700 a year, they will have to live pretty poorly.

Q. Besides the expenses of the vessel?—A. Yes. For instance, if a fisherman goes on shares with me, and takes fish to the value of \$700, I give him \$350, out of which he has to maintain his family; he has nothing to do with the expenses of the vessel at all, regarding salt, ice, provisions, &c.

Q. You mean that \$600 or \$700 worth of fish is a fair catch for one man?—A. Yes.

Q. And that he gets one-half?—A. Yes, if he works on shares.

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. So that in this case he would make from \$300 to \$350?—A. Yes, the season.

. What part of the year is that?—A. It extends over about eight or months.

. He cannot do much else that year?—A. Yes; he can lay up and wood and do anything that is to be done about the house.

. But nothing in the way of business?—A. This saves him from ing out money. Some men will make as high as \$1,000 a year.

. And you have your pick of the fishermen?—A. No; but we try to as good men as we can.

. You are speaking of good men?—A. Of an average good man. A ty good lot of men will average that.

. How do you make your estimate regarding the \$250,000?—A. pose you catch \$1,000,000 worth of fish, then if one-quarter of it is left for the families to live on, the men cannot follow up the bus-

. How many fishermen would it take to catch this \$1,000,000 th?—A. I could not tell you exactly.

. But about?—A. A number of boys is employed with the men.

. What is the number of men and boys?—A. I could not say ex- y. The population of Charlotte County is about 25,000, and this is biggest fishing district in New Brunswick. I think I should sop- e that we have from 12,000 to 15,000 fishermen.

. Men who make this their exclusive business?—A. Yes.

. And these people would catch the million dollars' worth of fish?— Yes. Boys help the men, and there are some hired men.

. What is the number of the boys?—A. We do not count them in etimes.

. Besides some hired men you think that there are from 12,000 to 000 substantial fishermen engaged in the fishing business?—A. I nk so, but I am not sure.

. And their catch realizes \$1,000,000?—A. Well, you see that ve a good many men. Strangers fish for us.

. This does not then represent simply what the 12,000 or 15,000 fish- en do?—A. The men we hire we have to pay out of it.

. Can you not estimate the number of hired men?—A. I cannot.

. Nor the number of boys?—A. No.

. Are there as many more hired men as there are regular fisher- n?—A. No.

. Are there half as many?—A. I could not say.

. Are there one quarter as many?—A. I could not say.

. And you estimate that the 12,000 or 15,000 fishermen, and as many d men and boys as they may happen to have with them, catch the ion dollars' worth of fish?—A. I would not confine myself right to population. If it is necessary, I could furnish their number.

. In reply to a question put you by Mr. Thomson you said that t fit of \$250,000 a year was made by New Brunswick fishermen?—A ough that this was the case.

. And you mean as we now understand you that this \$250,000 whid v would earn besides doing their chores in the winter and cutting r own wood, is to support these 12,000 or 15,000 people, and pay th es of as many hired men as they may have, and take care of thei ilies?—A. Yes, that is the idea exactly.

. Did I understand you to estimate how much the Americans made?— I estimated from what we see, and learn that they take fully as much as we do out of our waters.

Q. You think they take as much?—A. I do. I fully believe it.

Q. I am afraid that your figures are not right. You have \$1,000,000 estimated as the value of the catch of 12,000 or 15,000 fishermen. How much would that leave each man?—A. I never figured it up.

Q. When you learn perhaps you will not be desirous of adhering to our statement regarding the profit of \$250,000. It would leave about \$20 a man, on the whole, for these 12,000 or 15,000 New Brunswick fishermen, or \$20 a man, clear profit.—A. I do not know exactly how many in our county are engaged in the fishing business.

Q. You did not stop to think before you made that statement?—A. Probably not.

Q. Mr. Thomson put you a leading question, and you answered "yes." You at once opened your mouth and said "yes" to that question?—A. I tell you what I still think, that all our men make about that profit. Take an average man, and he will make about that profit. By taking men on board you can see what they catch.

Q. I am asking you about the answer which you gave as to the quarter of a million dollars of profit made by your own people?—A. I thought that was the case, to the best of my knowledge.

Q. But you do not think so now?—A. Probably not over about 6,000 men are there engaged in the fisheries.

Q. Take 5,000; how much do you think that they would make?—A. I have never figured it up.

Q. You do not know how much a year they make?—A. I think that they have got to have at least one-quarter clear of what they catch, or else they cannot live, nor follow up the fisheries from year to year.

Q. What do you think it costs an average family a year to live?—A. Some live very cheaply, I tell you.

Q. Take an average family.—A. Some live on \$200 a year.

Q. Do they work Sundays?—A. No; our New Brunswick people do not, save as to cooking and such matters.

Q. But the Americans are wicked enough to catch fish on Sundays?—A. I know that very few of our New Brunswick people catch fish on Sundays.

Q. And they cannot catch fish for more than ten months in the year?

A. They can, but there is usually a slack time of about two months.

Q. Do they get more than \$1.50 a day for themselves and families to live on?—A. I do not know; I never figured it up.

Q. What do they so get, in your judgment?—A. Some get that and some do not, and some obtain more.

Q. Do you think that it would average that?—A. That would be \$10 a year; it would be somewhere near that. Some get \$1.50, some .25, and some \$2.

Q. They get as much as \$400 a year?—A. And some get \$800 and some \$1,000.

Q. Those who are bright and smart are prosperous?—A. That is it exactly.

By Mr. Thomson :

Q. Do you know of your own certain knowledge the population of Charlotte County?—A. No; I do not.

Q. It is somewhere more than 25,000?—A. Probably it is; I have not a good memory.

Q. Without reference to the population of the county, you have a pretty good idea as to how many persons are engaged actually fishing

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both boys and men?—A. I have a middling good idea;
county.

3. The fishing is done in the localities of which you have

e in the Bay of Fundy and the inner bay of Passama-
r instance, take a fisherman who has got a family of
sist him, every one of them; and with respect to these
nets in a fishing community, in fact the wife and all
of the work. The children from eight years old up all
nakes a good deal of difference. I looked at it in this
re of the population.

cal man, taking into consideration the main coast of
n your neighborhood, and not the islands at all, will
her there would be more fish caught along the main
the islands?—A. Yes; our herring fishery is confined
land.

whole year through, w
n about the islands, Ca
ch difference in the ca
oddy River, for this
f a man, and men who
em, but in order to fish
a good substantial bo
each there.

same quantity is caught
s; very nearly.

would the balance inc

lege of fishing in Ameri
vantage of by our fishe
we never known in my
ent there to fish.

fish at a distance of n
—A. He fished ten mil
le American coast.

we catch it—A. Hake.

one I know of who did
sister married the capt
or neighborhood to bu
aking he might do bette

This is the way in which I rather sarcastically spoke, evidently meaning that with that view; you have regard to the Bible which they use pretty generally among every religious people.

ster:

period of the year will be—A. Yes.

Off Grand Manan, 01

re?—A. No; not during the war.
formerly?—A. It used to be

Q. When?—A. July and August was the best time; it is about over now.

Q. You think that the fish here have grown less in number?—A. I could not say that; but this fishing ground is not as much frequented as it used to be.

Q. Do Campobello and these other islands form part of Charlotte bounty?—A. Yes.

Q. Are they included in the estimate you made?—A. Yes.

Q. Their population is not very large?—A. No.

Q. And about one-half of the fishing of which you have spoken is on there?—A. Yes; about Grand Manan and the adjoining islands.

Q. What is the population of Grand Manan Island?—A. It is somewhere about 2,000 or 3,000.

By Hon. Mr. Kellogg:

Question. What is the relative value of the different kinds of fish? do not mean with regard to the quantity caught, but the relative value of the fish itself?—Answer. The codfish is the most valuable; the hake, I think, is the next.

Q. Then the haddock?—A. Yes.

Q. Then the pollock?—A. The pollock is low this year. Last year the pollock came ahead of the hake.

Q. How is it that they prosecute the herring fishery in winter there and not in other places?—A. It is just as a shoal of herring comes in here. They follow them wherever they can find them.

Q. Does it depend in any way upon the high tides?—A. I do not know.

No. 30.

JAMES LORD, of Deer Island, in the county of Charlotte, N. B., called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. You live at Deer Island?—Answer. Yes.

Q. It is in the parish of West Isles, in the county of Charlotte?—A. Yes; that and the adjacent small island.

Q. What is your office?—A. I am a fishery officer.

Q. How long have you been a fishery officer?—A. About three years.

Q. Now, is it part of your official duty to ascertain the number of boats and vessels engaged in the fishery there?—A. It is.

Q. Can you tell me what is the number of schooners or of vessels?—A. There are 28 vessels engaged in the fishery in my district.

Q. Of what tonnage?—A. The aggregate tonnage is about 700 tons.

Q. How many men are employed there?—A. I have a memorandum. (reads.) There are 171 men engaged in the vessels fishing.

Q. How many boats are there?—A. Two hundred and thirty-four.

Q. They belong to the islands?—A. Yes.

Q. These boats and vessels are British boats and British vessels?—A. Yes.

Q. The island is close to Eastport?—A. Yes.

Q. How far is it to Eastport from Deer Island?—A. About three quarters of a mile from the nearest point.

Q. Do the Americans fish much on the coast?—A. Yes; they fish in common with our fishermen, on the same fishing-grounds.

Q. How many vessels have they?—A. I should think they had full as many as our folks.

Q. And fully as many boats?—A. Yes; about the same number, I should think.

Q. Do they employ about the same number of hands?—A. I should say so.

Q. Now, will you tell me what is the whole catch made by the British fishermen in your district of West Isles?—A. The whole value is about \$180,000 in our district.

Q. Your district, for which you give the island of Campobello?—A. No; it is

Q. Campobello employs about how many boats?—A. I could not give you exactly, was about equal to West Isles. I should say much difference.

Q. It employs about the same number of hands?—A. I should say so.

Q. And the whole catch is the same?—They fish on the same ground with our fish.

Q. And the Americans fish also there?—fishermen?—A. Yes.

Q. Then you put the catch of Campobello catch of West Indies?—A. According to have no statistics to show.

Q. Well, you have statistics in reference in my district.

Q. And Campobello is only a little distance.

Q. You have plenty of opportunity to should say so.

Q. Have you any doubt as to whether underestimated?—A. If anything I should

Q. Then off Campobello there is about people?—A. I should say so.

Q. And \$180,000 worth at West Isles

Q. And the Americans take an equal catch

Q. As to West Isles you are sure, and about Campobello?—A. Just so.

Q. I suppose Grand Manan, being some as well about?—A. I don't know so much speak much about that. It is rather out

Q. You have been a practical fisherman been a practical fisherman.

Q. Tell me, now, is the catch you speak bello taken all close inshore?—A. All close

Q. All within three miles?—A. Yes; with vessels from Deer Island that go outside shore.

Q. Well, when I asked you for an estimate me \$180,000, you did not include in the caught outside?—A. No.

Q. What is that catch chiefly composed fish—codfish, pollock, haddock, hake, and

Q. What is the principal fish in point of point of numbers the herring has the advantage also.

Q. What comes next, in your judgment, to the herring?—A. The pollock, I think, is about next in numbers.

Q. And in value?—A. Well, yes, I think, in value too.

Q. What is next?—A. The hake.

Q. And after that the haddock?—A. Yes.

Q. Which is the more valuable fish per quintal, the pollock or the haddock?—A. The haddock is the most valuable of late years. The pollock always have been the most valuable until lately.

Q. The taste has veered around in favor of haddock?—A. Yes.

Q. Now tell me, as to the Americans, what is their style of fishing? By the way, since the Washington Treaty, have they come in in greater numbers to fish?—A. Yes. More of them since the treaty than before we visited our shores.

Q. What do they do with the herring?—A. In the winter they freeze them and in the summer they salt them.

Q. Do they land on the West Isles for the purpose of freezing them, or do they take them to their own shores?—A. Well, some take them to shore and others freeze them on the deck of their vessels. Others take them across to the State of Maine to Eastport. It is close by.

Q. What are the herring caught there worth a hundred?—A. I should think they would average about 30 to 33 cents a hundred in the later season.

Q. Is that the proper season to fish?—A. It is the best season for spring.

Q. Do they fish in the summer there at all, the Americans or the Canadian people?—A. They fish in summer; not so much for herring, though, as for other kinds of fish.

Q. Do they fish in summer for herring at all?—A. Very little; that for bait and the like of that.

Q. Is it partly your business to prevent them fishing for herring?—A. I have no restrictions to prevent them.

Q. What is your duty as a fishery officer?—A. It is to see that they obey the regulations as we do.

Q. Perhaps around those islands there are no breeding grounds. Do they breed there or at Grand Manan?—A. There is no spawning ground there that I know of. Grand Manan is where the chief breeding grounds are.

Q. They are protecting them there, I believe, or endeavoring to?—A. They are supposed to be.

Q. Do they breed around Campobello?—A. It has never been set out as a breeding ground, although they might spawn there. I could not say for that. It is supposed by some that they do spawn about Campobello, but there is no spawning ground marked out there.

Q. Now, since 1871 the Americans have come in in great numbers fishing. What way do they fish?—A. They fish with nets, trawls, hand-lines, &c.

Q. What do you say about this system of trawl-fishing?—A. I think it is the best way to catch them. You can catch a greater quantity with trawls than with hand-lines.

Q. No doubt of that; but what is the effect on the fishery?—A. I think it injures the fishery.

Q. It is injurious; why?—A. It takes a good many of the small fish that are of no use, and kills them, and it catches a good many of the larger mother fish and destroys them.

Q. Well, what has been the effect of killing those fish upon the fishery grounds?—A. Well, after they have killed them, the next thing is

to get rid of them, and the best way they can do is to throw them overboard.

Q. What is the effect of that?—A. It pollutes the water.

Q. Does it drive off the fish?—A. I think so.

Q. You are a practical fisherman; do you know?—A. Well, it is my opinion, as a fisherman.

Q. How long have you been engaged in the fishing business?—A. I have been engaged in the fishery ever since I was 12 years old. That is 30 years ago.

Q. Then you ought to be able from experience to form a pretty good judgment. That is your deliberate judgment that this throwing overboard of the dead fish destroys the fishing-grounds?—A. Yes; that is my opinion.

Q. What do you say of throwing over the gurry?—A. It has the same effect.

Q. Do the American fishermen always do that—that is, throw over the gurry?—A. Yes.

Q. What about the island men and the boats belonging to the island? Are they obliged to land or do they throw over too?—A. Those that fish in large boats and vessels do the same thing. Those in small boats dress their fish on shore.

Q. Do the Americans dress theirs on shore?—A. Not so much, because they come a very long distance generally, and they come in larger vessels. They dress their fish on board their vessels and throw their gurry overboard.

Q. Now, this trawl fishing as a business has sprung up has it not within the last 5 or 6 years?—A. It has not been practiced much until lately, within 6 or 7 years on the coast.

Q. Who introduced it? Was it introduced by the Americans?—A. Well, I guess our folks got the idea from the Americans.

Q. There was none before the Americans came there?—A. I do not think there was any.

Q. Have they been obliged to use the trawl in order to compete with the Americans?—A. Yes.

Q. Do you know that of your own knowledge?—A. Yes.

Q. Do these Americans themselves admit it is destructive, or what do they say about it?—A. I have never talked with them on the subject. I have talked with our own fishermen in regard to it.

Q. Is that their opinion in regard to it?—A. That is their opinion. They all arrive at the same conclusion.

Q. That is in reference to the destruction of the fisheries by throwing over the dead fish and the gurry?—A. Yes, sir.

Q. Are you aware, or has it come under your observation that a great number of nets are sometimes set out by the American fishermen and allowed to go to bottom with dead fish in them?—A. That is the case.

Q. Just state how that happened.—A. Well, when they go fishing they have a good many nets and they set them, and perhaps it will come such a breeze that for two or three days they can't get those nets. When it comes a fine day they have so many herring that they cannot take care of them, and the nets are left there and the herring rot, and lie on the bottom. They very often lose nets in that way.

Q. I don't know whether I asked you the number of men employed in the vessels?—A. Yes, you did.

Q. Did I ask you as to the number of men employed in the boats; how many boats did you say there were?—A. Two hundred and thirty-four boats.

Q. How many men would be employed?—A. They would average two men to a boat. That would be 468.

Q. The vessels, you said, employed 171; now, you are practically acquainted with the fishing, not only at the island, but along the north shore?—A. Yes.

Q. Tell me, in your judgment, where the greater number of fish are taken within the three-mile limit; is it along the shores of the islands or the mainland on the north shore of the bay?—A. The herring is the chief fish in winter, and is taken on the north shore.

Q. They are all taken within the three-mile limit?—A. Yes; on the mainland, from Point Lepreaux to the West Isles.

Q. You think the larger quantity is taken along that shore?—A. In the winter season.

Q. Take the whole year round?—A. I think my district, the West Island district, would have the advantage, taking the whole year round.

Q. Taking the whole year through, winter and summer, would it be about the same on the mainland and West Isles?—A. I think West Isles would have rather the advantage.

Q. I am now speaking of all the islands, including Campobello and Grand Manan; do you think Campobello, Grand Manan, and the West Isles would be rather more than the mainland for the whole year?—A.

Q. But the catch for the winter is considerably larger on the mainland than on the islands?—A. Yes.

Q. When you say there are more caught on the islands than on the mainland, does it preponderate very much or is it pretty near the same?—A. It is pretty nearly the same, I should say; if anything, the islands have the advantage.

Q. Now, you stated that the principal breeding place is in Grand Manan; at what part is it?—A. At the south end.

Q. That place is protected by regulations, is it not?—A. Yes; there is a man appointed to protect that ground.

Q. What is his name?—A. McLachlan.

Q. Are you aware that notwithstanding the regulations and endeavours of the Dominion Government to keep this breeding-ground untouched by American fishermen break in?—A. I have heard that they have broken in on several occasions. I have never been there when they did, but I have heard of it, and I am satisfied that they did that thing.

Q. Are you aware whether the catch upon Grand Manan, around the shores of Grand Manan—I mean of all kinds of fish, and within 3 miles—very much larger than on West Isles and Campobello?—A. I think it is more than both put together. I should say so.

Q. You are speaking as a practical fisherman?—A. Well, according to the best of my judgment. I have no statistics.

Q. You have fished all over the ground?—A. Yes.

Q. You have no doubt that the catch on Grand Manan exceeds the catch on West Island and Campobello together?—A. I think it does.

Q. Well, now as a practical fisherman, what would you say would be the value of the catch made by the British subjects, within 3 miles of the shores, in the islands and on the mainland from Point Lepreaux, taking in West Island, Campobello, and Grand Manan; taking the whole year, what would you put it down at, naming a figure that you think is certainly within the amount?—A. I should say nine or ten hundred thousand pounds.

Q. That is about a million?—A. Yes.

Q. Have you any doubt that you are underestimating rather than overestimating it?—A. No doubt that is under if anything.

Q. That is taken by British subjects?—A. Yes.

Q. Then the American fishermen, do they take on these coasts as much every year as the British subjects or more?—A. I think they do fully as much. I have no doubt. If I were going to say either more or less, I would say more.

Q. You think they take fully as much and more?—A. Yes.

Q. That would be a million they take also?—A. Yes.

Q. Are you aware yourself, from practical experience, what the probable profit would be on that million taken by the Americans?—A. Well, that would be a pretty hard thing for you to get at.

Q. Is there any fish on the American shore at all? Are you aware of any fish within the three-mile limit?—A. There are none worth talking about. None of our fishermen ever visit that coast for the sake of fish.

Q. Then, practically, the privilege accorded to British fishermen of fishing in American waters amounts to nothing?—A. It is no benefit to us whatever. I never knew a fisherman go there to make a fare of fish.

Q. Did you ever fish along the American shore yourself?—A. No.

Q. Did you ever get porgies or menhaden there?—A. I have caught some there.

Q. Was that caught within shore or out beyond the three miles?—A. All the porgie fishing has been beyond the three miles. They are so far offshore they have to have steamers.

Q. It has ceased for a number of years to be an inshore fishery?—A. As far as my information extends.

Q. Do you ever recollect of porgies coming up to the British waters in the neighborhood of Campobello and those places?—A. I have caught them myself.

Q. What drove them off?—A. I can't say; they have left our coast.

Q. How long ago?—A. There has not been anything there to amount to anything for ten years or over.

Q. And even on the American shore they have gone out so that they have to have steamers to go for them?—A. They don't pretend to go for them without they have steamers.

Q. Now, along the American coasts there are numerous settlements from Eastport, westerly; are they engaged in fishing?—A. All the places close to the shore are so engaged.

Q. Where do they get their fish?—A. In British waters.

Q. Inside the limits?—A. Yes; they come right over to New Brunswick, to the mainland. They have always done so.

Q. That is their only means of living, so far as you are aware?—A. That is the only means so long as they undertake to catch fish.

Q. How long has that been the case?—A. I guess it has always been the case ever since the country was settled, so long as I can remember.

Q. You have been engaged that way 30 years?—A. For 30 years they have done that. I can swear they have done it for 30 years.

Q. They have never caught fish in their own waters at all?—A. I could not swear to that.

Q. I say never to speak of?—A. Never to make a business.

Q. Could they have gone on with the fishing business at all unless they had access to our waters?—A. No; I do not think they could. I guess they will admit that themselves.

ere; they will not here. But you have no doubt
bt at all.

ollect, that is for 30 years, have the fishing sta-
people became more numerous?—A. Well, I sup-
sed in proportion to our fishermen. Ours have
re kept right alongside of them. They have in-

the effect of this treaty? Before the treaty you
our fresh fish in free. Were you in the habit of
y extent?—A. We have always had the right to

the treaty, send many in?—A. Yes; we always
e United States.

our market is not altered at all?—A. No.

of the fish catch that you speak of in the islands
y; any large numbers of herring, for instance?—
number of herring.

nd them?—A. Part to the United States and part
Dominion. A good many are sold in St. John,
x.

treaty did you put up any of those salt fish?—A.
in the habit of putting up more or less.

the United States before this treaty the same as

ices then, when you had to pay \$1 a barrel duty?
t enough more to pay the duty.

fact then, even in regard to salt fish, this treaty
to you at all?—A. I can't see that it is a benefit
injury to us.

the Americans come down into the Dominion
ts that you would otherwise supply?—A. There
y American fish sold in our markets to my knowl-
g right along, more or less, in St. John, Halifax,

ring the time before the treaty was in force, and
\$1 a barrel, you got as good a price as now, and
y?—A. Yes.

were excluded from our waters altogether, you
send in fresh fish as you always did, what duty
to pay on the salt fish to keep them out alto-
be willing to go back to the old arrangement.

more money if you went back to that system
A. Well, chiefly all the money I made fishing was
came into force, when I had to pay a duty.

er pay a reasonable duty and keep them out?—

the consumer pays the duty?—A. Yes.

ply this, then: that you get a lower price for your
mericans pay less for it. The consumer gets it for
that is the result.

, has been to the consumer as far as you can see
ie consumer gets the benefit. He gets a cheaper

more money?—A. No more.

ss?

the witness assent to that?

By Mr. Thomson :

Q. Do you get less money for your fish than you did before?—A. Yes; for some kinds of fish we don't get half as much as we did before.

Q. Do the Americans come down there and catch for bait?—A. Yes they visit our shores a good deal for bait.

Q. Do they catch it themselves?—A. Some do and some do not.

Q. Do they catch to any considerable extent themselves?—A. Well yes, they do a considerable.

Q. Do they bring down their own men to catch it?—A. Some of them do, yes.

Q. What do they use this bait for?—A. Cod-fish chiefly.

Q. What time do they come for bait?—A. They come in the spring of the year chiefly. The best bait is there in the spring of the year. That is for the Bank fishery.

Q. How many vessels visit the bay for bait?—A. 80 to 100 sail of vessels.

Q. Every spring?—A. Yes.

Q. What average do they take?—A. 10,000 to a vessel.

Q. Are they all caught in British waters?—A. Yes.

Q. That is a considerable privilege; do they admit it?—A. Yes, they do, because it is the easiest way for them to get bait. If it was not a privilege, they would not avail themselves of it.

Q. They admit it is a privilege?—A. Yes.

Q. Well, are you aware that they buy also besides what they fish?—A. Yes; they do buy bait.

Q. Do you know whether they make a preference of buying from their own men?—A. Well, I never saw much difference that way.

Q. You are speaking of your own island. Do you know whether it is so elsewhere or not?—A. Well, I suppose some make a preference. Some have particular friends. A good many have gone from Eastport to Gloucester, and when they come down they will patronize the Eastport men before a stranger. That is the way it goes, I think, a good deal.

Q. In reference to net-fishing for herring, ought those nets, according to your experience, to be allowed to remain in the water during the day-time?—A. They ought not, according to my experience.

Q. Why not?—A. Because they injure the fishery, they frighten the fish away.

Q. The herring see the nets and are frightened?—A. Yes.

Q. The proper time is at night?—A. Yes; they ought to put them down in the evening and take them up in the morning.

Q. One witness said that in the day-time, as a rule, the herring did not mesh themselves in the net at all?—A. That is my experience; they don't mesh themselves.

Q. In addition to that, they get frightened?—A. Yes; and it is an obstruction to their passage.

Q. Since the Americans came in, have they introduced the system of keeping the nets out day and night?—A. They do it more or less.

Q. And that, you say, injures the fish?—A. Yes; our fishermen do it too.

Q. Yes, but that is because the Americans do it?—A. Yes.

Q. Whenever any bad practice is introduced to kill the fish, our men have to follow it in self-defense?—A. Yes.

Q. Have you ever known any one try to get along without trawling, and finally take to it on account of the Americans doing so?—A. It is

ly of late years that we have used the trawl. We always used to get along without the trawl before the Americans came down.

Q. Have you ever known any one trying to compete with them without using it and afterward having to come into it?—A. They have to do with the same appliances as the Americans to get along.

Q. Have you ever known them try to get along without using it and find that they could not do so, especially about Grand Manan?—A. We have not used them there until very lately—until last year. But we have found that they are compelled to use them to get along.

Q. There is no trouble between the American fishermen and your people?—A. I never saw any great trouble. Sometimes there is a little difference arises, but I do not know that there is any more trouble between the Americans and our fishermen than there is among our own, so far as my observations have gone.

Q. I think you have stated that all the fisheries are within three miles of the land?—A. Yes.

Q. That is, the hake, haddock, herring, and pollack?—A. Yes, they are all within three miles.

Q. What about the cod?—A. We do not get much cod in our inshore fisheries.

Q. The cod is a very small proportion?—A. Yes, it is a very small proportion.

Q. You stated that the value you gave consisted altogether of fish caught within three miles?—A. Yes.

By Mr. Dana:

Q. For 30 years I think you said you had been fishing in your neighborhood?—A. Yes.

Q. In vessels and boats?—A. Yes.

Q. How large are the vessels that have been owned by British subjects 30 years past?—A. The vessels have been all the way from 10 tons to 50 tons.

Q. They do not go out, I believe, for long trips, do they—the British vessels?—A. The chief of them do not, as I said, but there are one or two that would go fishing on the opposite banks.

Q. All the boats and nearly all the vessels are day fishermen, are they not?—A. Yes.

Q. And during all that time the Americans have been there too?—A. Yes.

Q. And in about equal numbers to your people?—A. Yes.

Q. And they have fished in the same places?—A. Yes.

Q. Without reference much to what sort of a treaty there was between Washington and London?—A. It never made any difference.

Q. Nothing can be traced specially to the effect of the treaty of 1818 or the Reciprocity Treaty of 1856, or the Washington Treaty of 1871, there, as to that. It went on the same way?—A. Pretty much in the same way.

Q. Well, the Americans used to fish with hook and line, didn't they?—A. Yes.

Q. When did they begin to alter a little and have small trawls?—A. About 8 or 10 years.

Q. They first fished with small trawls, didn't they?—A. Yes, with small lines.

Q. But when they began using something else, they first began to use vessels with a few hooks upon them?—A. Yes; they are getting in the habit of using more hooks every year.

Q. But it did not begin all at once as it is at present ?—A. No, it is increasing now every year.

Q. Your people saw the growth of it and they fell in with it ?—A. Yes.

Q. And are pushing it now with diligence, according to their means, their enterprise, and capital ?—A. Yes.

Q. Is the trawl a costly thing ; do the lines and hooks and the danger of losing them make it costly ?—A. Yes. It costs in proportion to the length of the lines and the number of hooks.

Q. Do you think that generally the Americans had more capital at their disposal than the British fishermen ?—A. Yes. They came from a distance, and it seems they had better vessels.

Q. But those that reside in the easterly part of Maine ?—A. I think they had pretty much the same capital as our fishermen.

Q. Your people began using trawls at first with a few hooks in a small way ?—A. Yes.

Q. And it gradually grew up to its present dimensions ?—A. Yes.

Q. And as they are doing it now they are affecting the fishery to about the same extent as the Americans ?—A. Yes.

Q. Then do you think it is an injury ? Yes, those who think it is not an injury ?—A. There is no saying it is an injury.

Q. But it has been the same with the pursuence has advanced and skill and capital have used different methods of prosecuting the

Q. You know that it seems to be the inevitable ?—A. Yes.

Q. I observe that the gentleman who examined you did not use, that this "destroyed" the fish when you assented to his phrase "destroyed," use the word ?—A. I meant that it was an injury.

Q. That was the phrase you used ; but I think it destroyed them. You do not mean to say that. Not all of them.

Q. And you do not know they are going to be destroyed. It is my opinion that if they kept on at the same way they would eventually destroy the fish.

Q. That is altogether a speculative opinion, is it not ?—A. No ; that is only my opinion.

Q. May it not go on in this way, after they have taken as soon as the fish are diminished they will cease, because it does not pay ; then will not the numbers again ? For all you know, that may be the case with fisheries in other parts of the world. I do not know it is the case where modes of fishing which rendered the fish scarce, those modes being no longer used, and then the fish have again come in on the coast of Norway ?—A. No ; I do not know it could ever be the case.

Q. Have you ever read up on that subject ?—A. No.

Q. Do you know how they have found it in other places ?—A. It is my opinion that the scarcity will have to use these appliances.

Q. Well, will it not be so expensive that that is another place ?—A. It may be.

Q. Well, won't that be the case ; if the Americans

very expensive to get fish in one place and not so expensive in another, he will go to the other?—A. That may be so.

Q. You do not suppose the same number of people will keep on fishing with trawls when there is not so great a number of fish to be caught?

—A. Well, they will have to move to some other district.

Q. What then?—A. The country will become depopulated.

Q. What country?—A. Our fishing country, where I reside. When the fish get so scarce that the fishermen cannot get a living, they will have to go somewhere else.

Q. It may make them more adventurous and they may get larger meals?—A. But when they get so poor that they can't purchase those meals—

Q. Don't you suppose there can be capital and enterprise enough and there to follow the fish wherever they go? Do you suppose your fishermen are so limited that they cannot go beyond the marine league?

—A. There are very few of them capable of purchasing a large vessel.

Q. If they can't catch fish close in, don't you think means will be found to go out?—A. They won't be able to furnish boats and vessels themselves.

Q. If it destroys the population, as you seem to think, not having capital to go beyond three miles, how will it be when the fish come back? If they do come back it will not be ultimately destroyed?—A. No; it would be in the mean time.

Q. It would be resumed, would it not? You don't know that it would not be?—A. I don't know.

Q. So that, after all, your opinion is speculative? Now, with reference to throwing the fish overboard, what you call the gurry, I suppose that depends entirely upon whether the vessel makes port often or is out?—A. It depends upon that a good deal.

Q. If they are boats or small vessels that make port frequently, they will put the gurry on the land. It is good manure?—A. It is, but the fishermen can't generally use it much for manure. Very few of the fishermen have any land.

Q. Is that so? Don't your boat fishermen also own land, like the fishermen in Prince Edward Island?—A. Some own a little and more don't own a mite.

Q. When they do own it, they cultivate it?—A. They raise a few potatoes and the like of that.

Q. Those that don't make port throw it overboard?—A. Yes.

Q. Has not that always been the case?—A. Yes, I think so.

Q. Then that was not a trick learned from the Americans?—A. I think it was always done more or less. I guess the Americans did not teach us all their bad habits. I suppose they had some before.

Q. The Americans come down there, we have been told, to buy herring for bait. That is for cod-fish?—A. Yes.

Q. They buy if they can?—A. Some do and some catch their own.

Q. Now I want to know. The witness before you spoke of them as most universally buying the fish?—A. Part of them do and part of them do not.

Q. Well, "part" may be anything?—A. Well, I would say one-half buy it and the other half catch.

Q. Do they catch it alone or do they make bargains with your people, at own boats and nets?—A. Sometimes they catch it themselves. They bring their nets with them. Most of their fishermen that fish in the

bay have nets so that they can set nets and catch their own bait; but the vessels that come from Gloucester——

Q. Well, if any witness has said that the large majority of the herring that is taken away for bait is bought, you would not concur in that?—

A. I should say there was a majority.

Q. You would say more than half?—A. Yes, a half or two-thirds.

Q. It might be three-fourths?—A. I should not say so.

Q. You say there might be two-thirds?—A. There might possibly be. I would not like to say much over half.

Q. Have you any means of ascertaining what it is?—A. Nothing more than what I see myself. I am a practical fisherman and I have been around with them.

Q. Do you keep bait?—A. Yes. I am like any other fisherman. I catch what bait I can in the spring and sell what I can to the fishermen.

Q. Well, I do not know what your views of trade are, but I suppose you try to make something. You do not sell solely to encourage the Americans?—A. We do not study their advantage at all. It is our own. We do not put ourselves out at all about them. When we catch the bait the next thing is to see where we will get the most money out of it.

Q. You sell to your own people. They buy herring for fishing?—A. Well, they do some, but not much. I have sold herring for bait to our people who went mackerel-fishing, but not much for cod-fishing.

Q. Have you been in the habit of sending fish to the United States—I mean your island people?—A. Yes.

Q. Dried, frozen, and salted?—A. Yes.

Q. For a long time?—A. For some time.

Q. How long?—A. I can't just remember when I commenced shipping frozen herring. I guess it has been about fifteen years, probably.

Q. And they have gone in irrespective of treaties? They would go in as fresh fish?—A. Yes.

Q. Then you sent in your frozen fresh fish, and also you took dried and slightly salted fish? They have gone in, have not they, for a great many years to the United States?—A. They have gone in free since the treaty; at least I don't call it exactly free.

Q. Why, what is the matter?—A. Well, when we go to Eastport to sell a quantity of fish, we are supposed to report to the custom-house every time we come, and if we only have two quintals of fish we have to pay 60 cents for a permit to land them.

Q. Does that apply to fresh fish?—A. To fresh and salt both.

Q. What do you call that 60 cents?—A. I don't know what the name is, but every vessel that goes there with fish is supposed to pay that 60 cents for the permit. It is paid to the custom-house.

Q. Is it not duties?—A. They don't put it in the shape of a duty. It is in the shape of a fee.

Q. Do you pay the man that owns the wharf besides?—A. No.

Q. Is not that what it means?—A. No.

Q. Is it not dockage?—A. No.

Q. Don't they call it dockage or wharfage?—A. No; it goes to the custom-house.

Q. In the first instance. But you must pay somebody if you land your fish at the wharf?—A. The merchants that buy the fish furnish the wharf to put it on.

Q. You go there to sell?—A. Yes.

Q. You don't own a wharf there, do you? Do you suppose the treaty

means that you shall have a free wharf to land your fish on?—A. No; I do not.

Q. Then you do not pay any dockage or wharfage, but you pay 60 cents. Haven't you ever looked into that to see if it was not dockage or wharfage?—A. Yes; I have looked into it.

Q. How do you make it out, if you do not pay anybody except the custom-house?—A. Every person who has a fish-stand has a wharf of his own, and he is glad to give you the privilege of landing for the sake of the trade. We are not supposed to pay any dockage. They furnish the dockage.

Q. Who?—A. The men that buy.

Q. Then you say it is in the form of a landing permit?—A. Yes; we have to report.

Q. Somebody comes down from the custom-house to see that you are all right, that you haven't anything but fish? Do you ever go anywhere where you do not have to pay something for a landing permit? Was that so before this treaty?—A. I think it has always been so.

Q. And in addition to that you had to pay a duty before the treaty? Now the duty is taken off and the permit remains?—A. Yes.

Q. Did you ever read the treaty?—A. Yes; but I don't think I could repeat much of it.

Q. Did you ever see anything about leaving out the landing permit?—A. No; I do not remember.

Q. You say you get less for your fish than before the treaty was made; how long has that treaty been in actual operation? I do not mean to refer to the time it was dated, but to its actually going into operation on both sides?—A. It has been in operation, I think, ever since it was made or issued at Washington. I do not just remember. We do not trouble ourselves very much about treaties there.

Q. Does dry fish go in as fresh?—A. They do now.

Q. But I mean before the treaty?—A. No; we had to pay a duty on them as well as salted fish.

Q. Did not they generally go in as American fish?—A. No; not from this side. They went in as British fish.

Q. Was not there any arrangement made between your people and the Americans by which those went in under the names of American dealers?—A. I don't know.

Q. Don't you know that a great deal was taken in in that way?—A. There might be some smuggled in in that way.

Q. You say you got less for your fish. How do you account for that?—A. There are so many more fish taken into the market than there were before, that it has reduced the price.

Q. Well, that is a simple mode of accounting for it. And if there could be fewer fish the price would go up?—A. Yes; and I think it had been left the way it was, and no Americans were allowed to fish our waters, probably the fish would be higher than they were then in the United States, as there is a greater population, and more would be required.

Q. Well, the treaty has not stopped the increase of the population?—A. Not that I know of. The same thing seems to go on yet.

Q. Well, is it not the case that the price depends upon the demand and supply?—A. I suppose so.

Q. And the demand is gradually increasing, is it not, pretty rapidly?—A. I suppose it is.

Q. And the supply is also increasing by the use of these nets and the number of people that are employed in the business?—A. Yes.

Q. They keep pretty well abreast of one another?—A. Well, yes; but I think the supply is a little ahead.

Q. Do you think more of your people have sent fish to the United States than did before?—A. I don't know that there are any more of them.

Q. Well, there are certainly no more Americans than before? There are fewer, are there not?—A. There have been more since the treaty.

Q. Have you found it so?—A. Yes.

Q. Were there more last year than the year before?—A. Yes; there seems to be more every year.

Q. Is there any greater increase than there has always been?—A. Yes.

Q. You have been on the American coast somewhat?—A. Yes.

Q. Not very far down the coast of Maine?—A. Yes, I have been to Boston.

Q. But have you followed the fishing-grounds?—A. No.

Q. You do not know by personal observation what the American in-shore fishery is, do you?—A. No, I do not; only what I have heard by talking to American fishermen, and our fishermen that are engaged on the coast.

Q. Since this question has been up, of compensation, you have heard it a good deal talked about, haven't you?—A. Well, no, not a great deal.

Q. Certain opinions are pretty strongly held in your neighborhood?—A. There is not much said about it there any way.

Q. Don't they say there generally—haven't you been frequently told that the Americans were ruining your fisheries and that they ought to pay a large sum?—A. Yes, they think there ought to be a reasonable compensation for the privilege.

Q. That is not what I mean, but the opinion is pretty generally promulgated, is it not, that the Americans have done a great deal of harm?—A. Yes, they think so.

Q. That they have destroyed them by seine fishing and by throwing over gurry, and in various other ways?—A. I think that has been the case. That is reasonable to any man.

Q. Well, you have given your opinion. You say there are regulations as to catching fish at Grand Manan with reference to the season?—A. Yes, there is a close season for herring. They are prohibited, I think from the 15th of August to the 15th of October. I won't swear certainly what time it is.

Q. It is the spawning period?—A. Yes.

Q. Have you ever been there during the spawning period?—A. No. I have never been there.

Q. And you cannot then say, from your own observation, that the Americans have broken these regulations, or, if so, to what extent?—A. I could not say that they do; but I have heard it said by our fishermen. But our own fishermen will do it, too.

Q. I was going to ask you that. I know you have been very frank. I suppose the officer finds it as hard to keep out the British as the American fishermen?—A. Well, I think so; yes. I don't know for certain.

By Mr. Foster:

Q. Mr. Thomson consents that I shall put a few questions to you. Will you tell us where the Wolves are?—A. (Points to Wolves on map.) They are out there.

Q. Now, did I understand you to say that no winter fishing for

ing is done, except in there (pointing on map to inshore fishing grounds)?—A. None of any account.

Q. I want to see what that means exactly. Do you know Overseer Cunningham, of the inner bay?—A. Yes.

Q. Is he an intelligent man?—A. Yes.

Q. Now, I want to know what this means. I read from his report for 1876, and would like to have you explain it, if you can: "The winter herring fishery, I am sorry to say, shows a decrease from the yield of last year. This, I believe, is owing to the large quantity of nets—in fact, miles of them—being set by United States fishermen, all the way from Grand Manan to Lepreaux, and far out in the bay by the Wolves, sunk from 20 to 25 fathoms, which keep the fish from coming into the bay." Is that so?—A. It is a doubt, to my mind, whether it would be so or not.

Q. Do they do it? Do they keep nets in the bay?—A. No.

Q. Our fishermen don't?—A. Nobody does; they can't do that.

Q. "In this view I am borne out by all the fishermen with whom I conversed on the subject. Our own fishermen, who own vessels, have now to go a distance of six to eight miles offshore before they can catch any." Is that so?—A. No.

Q. "The poorer classes of fishermen who have nothing but small boats made but a poor catch."—A. I think Mr. Cunningham is a little wild in his calculations. I do not think he has a way of knowing as much as a practical fisherman.

Q. Is his report all wrong?—A. I think some parts of it are.

Q. "However, during the winter months there were caught and sold in a frozen state to United States vessels 1,900 barrels, at from \$4 to \$5 a barrel. The price being somewhat better than last year, helped to make up the deficiency in their catch. About 500 barrels were used for home consumption. There was a better catch of smoked herrings, amounting to 84,000 boxes, and there might have been a larger business in this line, but prices were so low that those in the business preferred making oil and pumice, which paid better." Is that so?—A. I could not say. The inner bay is Passamaquoddy. It is a different district. I have no control of that. I could not say how many herring were caught in there. Of course he could say better about that than I could.

Q. Is it true that making oil and pumice "paid better"?—A. That might be so.

Q. (Reads.) "There were only 175 barrels of mackerel caught this year, although a large school of those fish came into the bay, but they would not bite at a bait, nor did they come inshore close enough for the weirs to do much. Those caught were taken mostly in nets, with a few pod hauls in the brush weirs, but I feel confident that if seines had been employed, there would have been a large catch. In haddock and hake there is a decrease from the catch of last year, occasioned no doubt by the use of trawls or set lines outside."—A. I think that was so.

Q. Well, haddock and hake are caught by trawls outside?—A. He means outside the islands.

Q. (Reads.) "My own experience is, having formerly used a trawl or bultow, that it is a destructive mode of fishing, and kills a great many small and useless fish, as well as keeps the fish from coming near shore, and I am convinced that their use should be prohibited altogether in this country. A very serious injury to the fisheries is the habit of crowing over the gurry or offals on the fishing grounds by our own fishermen as well as by Americans. As they are fishing far off shore, a week at a time, this destructive practice can be followed with impunity

and without fear of detection. The overseers are many miles away on shore and can do little, for the fishermen will not inform on each other. I can see no way to prevent this most destructive abuse but to have a small vessel employed to go around among the fishing craft and see that the gurry is taken ashore and disposed of."

They do take fish off shore from what I have read. Mr. Cunningham says the gurry is deposited there. Is there not a good deal of fishing more than three miles out?—A. There is not in my district that amounts to anything.

Q. Well, that is all wrong?—A. No; he does not say it is more than three miles out.

Q. He says they are fishing far off shore.—A. Well, he would say far off, and it might be two miles or it might be three miles. Far out in the bay would be between the Wolves and Beaver Harbor, where the chief fishing is done in winter. The chief fishing is done from Letete Passage to Lepreaux.

Q. You explain by saying that it is all within three miles?—A. All the herring fishery in winter is done within three miles.

Q. Well, is it done by nets?—A. Yes.

Q. Can't they catch with nets, which they do not drag on shore, but which they draw into the vessel? Do they do all this by coming on shore?—A. They do it all with nets. They take the herring on shore and freeze them in these harbors.

Q. What does he mean by speaking of their having to go a distance of 6 or 8 miles off shore before they can make a catch?—A. He has not had experience.

Q. How would they catch out there?—A. I suppose they would catch them with nets, if they caught them at all.

Q. And if so, they would bring them into the vessel?—A. I suppose so.

Q. Well, that report is all wrong?—A. A part of it.

By Mr. Thomson:

Q. Passamaquoddy is over by St. Andrew's?—A. Yes.

Q. That is the very bay in which one of the witnesses said that the fishing would be destroyed by the Americans?—A. Yes.

Q. And Mr. Cunningham lives away off ever so far?—A. Yes.

Q. This Mr. Cunningham is no practical fisherman at all?—A. No.

Q. He lives away up at St. Andrews?—A. Yes.

Q. You say that the Americans are actually now making a charge for landing permit of 60 cents?—A. Yes. We are supposed, every time we land herring, to pay 60 cents. If we don't we are violating the law.

Q. Had you to pay that before the treaty?—A. Yes; we always had to pay that, and, in addition to that, we had to pay a duty.

Q. Notwithstanding the treaty, they make you pay 60 cents?—A. Yes.

Q. Is Mr. Cunningham overseer for the whole of the county?—A. No; only for Passamaquoddy.

No. 31.

WEDNESDAY, August 23, 1877.

The conference met.

WALTER B. McLAUGHLIN, light-house keeper and fishery overseer at Grand Manan, in the county of Charlotte, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. Where do you live?—Answer. At Grand Manan.

Q. What offices do you hold there?—A. I am light-house keeper and fishery overseer.

Q. You are also a county councilor?—A. Yes. I am also a captain of the militia.

Q. I should be surprised if you were not a justice of the peace?—A. I am *ex officio* in view of my commission as fishery overseer.

Q. You were born there?—A. No; I was born in Nova Scotia.

Q. How long have you resided on the island?—A. I have resided there all my life-time.

Q. How long is that?—A. Forty-eight years.

Q. Has your father ever been engaged in the fisheries?—A. Yes.

Q. In what way?—A. My father was engaged both as a fisherman himself and as an employer of fishermen—that is, he had an interest in vessels and hired men.

Q. He was a practical fisherman himself, and not only that but he employed men to fish?—A. Yes, to a small extent.

Q. Was not he a fishery warden in his life-time?—A. He was nearly all his life, while he lived on the island.

Q. Has your attention been directed to the fisheries and fishing ever since you were old enough to know anything?—A. Yes, sir.

Q. Are you yourself now engaged in the fishery?—A. No; I am not, anything more than as a fishery overseer.

Q. How long have you been a fishery overseer?—A. Since 1867.

Q. You were appointed when these provinces were confederated?—A. Yes; my father died in 1861. I was appointed in his place.

Q. What are your duties as overseer; to enforce the laws and regulations with reference to the fisheries?—A. Yes.

Q. Now, the island of Grand Manan is a large island, is it not?—A. Yes.

Q. It is about 30 miles long?—A. On the chart it is about $14\frac{1}{2}$ marine miles; about 20 English miles we call it. It contains 100 square miles—that is, Grand Manan and the adjacent islands.

Q. What is the population?—A. Over 2,000. There are 400 or 500 families, I think.

Q. Are they all more or less engaged in the prosecution of the fisheries?—A. All, directly or indirectly.

Q. The fisheries around Grand Manan are the most important in the bay?—A. They are considered so. They are considered the key of the fisheries in the Bay of Fundy. It is the most important fishery in the Bay of Fundy.

Q. Now is it a spawning ground for any kind of fish?—A. It is for herrings and halibut. I would not say as to codfish, although people often take them with the spawn in them.

Q. It is certainly so for herring and halibut?—A. Yes.

Q. Where is the great spawning ground for herring?—A. We consider it is from a point called Red Point, near Seal Cove, to Bradford's Cove. They spawn some all around the island. (Points to map and describes spawning ground.)

Q. You have pointed out the spawning grounds; now what is the close season?—A. The law says from the 15th July to 15th October.

Q. Do you enforce that as far as you can?—A. Yes, sir.

Q. Where do the halibut spawn?—A. They spawn in different parts of the island (pointing to map). This was considered the chief spawning ground, between the Three Islands and Wood Island.

Q. Do they spawn close inshore?—A. They do in that locality.

Q. What about the herring?—A. They spawn close inshore.

Q. You say that is the spawning ground for the bay?—A. That is the greatest spawning ground.

Q. Well, now, it is your business to give a return of the fish that are caught year by year?—A. Yes; we have to make returns.

Q. Well, now, what is the value of fish taken by the British subjects? Or, by the way, can you tell me how many boats and vessels there are engaged belonging to Grand Manan?—A. We have very few vessels, not over 10. We had 18 reported last year, but some of them should have been entered as boats. There are something over 300 boats. But I want to make a statement with regard to these boats. Our people follow two kinds of fishing. The weir fishing requires a skiff that they don't use in line fishing. So I have to take an account of all, and I make 300 boats. We have about 200 superior boats for line fishing.

Q. You say there is a skiff required for weir fishing that is not used in line fishing?—A. Yes. It is not used for net or line fishing. That gives quite a number of boats for the number of fishermen.

Q. How many of those skiffs are there?—A. Well, I should think we had probably over 100. One hundred and fifty probably.

Q. What do you say is the whole number including these?—A. I could not speak certainly from memory. (Consults memorandum.) There are 350 boats. About 200 of them would be fishing-boats for line and net fishing.

Q. How many men would each of those boats have?—A. There would be about two men to a boat as a general thing. I do not refer to weir fishing, but in line fishing the average would be two men to a boat, or perhaps more.

Q. What time does your herring fishery commence?—A. They take herring all the year round at Grand Manan.

Q. For what purpose?—A. For all purposes they can be used for.

Q. Have you not a close season from 15th of July to 15th October?—A. Yes, but that is only on a small part of the island. I am over for the whole island.

Q. Well, you mean you do not prevent them from catching herring elsewhere?—A. Certainly not, only during the weekly closed time.

Q. For what purpose do they catch them in summer?—A. For bait, pickling, smoking, &c.

Q. The valuable fishing for herring is in winter?—A. Yes. The great fresh herring business is carried on in winter almost exclusively.

Q. That is the frozen herring?—A. Yes; and a good many herring are pickled in winter too. It is put in barrels and salted.

Q. That is the ordinary salt herring?—A. Yes.

Q. Are those herrings that are caught in summer—all summer through—are they good herrings?—A. Yes; so long as they are not ripe herring depositing their spawn. There is a time when they get a few of these even outside of the spawning grounds. Of course, these are really not very good for food, though they are often eaten.

Q. There are but few of those?—A. Yes, few.

Q. What other fish besides herring do you take?—A. Cod, pollock, hake, haddock, &c.

Q. Are those all taken inshore?—A. Yes.

Q. All of them?—A. Yes, by our boats. Of course, boat-fishing must be inshore.

Q. What do you understand by inshore?—A. Within three miles—a marine league from land.

Q. You say all those fish you speak of are taken inshore?—A. Yes.

Well, there was 1,400 quintals taken on the Banks out of the catch stated in my estimate last year.

Q. What do you call on the Banks?—A. I mean on the Banks clear of three miles from the land. Out of 7,000 quintals, in my estimate, 1,400 were Bank fish; but they always give me far less than the real estimate.

Q. That is the boat-fishers, you mean?—A. They all give me less, whether outside or inside.

Q. The chief fishing is inside, as regards cod?—A. Yes.

Q. How is it with respect to hake and pollock?—A. They are entirely inside. There is halibut outside the three-mile line, but the best fish has always been inside.

Q. Did you see the halibut spawning-ground?—A. Yes; very close in. There is a large spawning-ground very close in, but it has been pretty well destroyed.

Q. How so?—A. By trawl-fishing.

Q. Is that since the treaty?—A. Yes, sir.

Q. Who introduced that trawl-fishing—the Americans or our fishermen?—A. The Americans introduced it with us.

Q. What is the effect of that trawl-fishing upon the fisheries generally?—A. What do you mean by the effect of it?

Q. Will it destroy the fish?—A. Well, if you catch all the spawned fish there can't be any left.

Q. State why the trawl-fishing destroys the fish.—A. Well, they catch the spawned fish and the small fish; they catch all. Where our fishermen fish with the hand-line, there will be two men in a boat, and those men cannot attend to more than two lines each. Each line has two hooks on it, so they have four hooks to a man, and that makes eight hooks to a boat. Now, they let that line go to bottom and haul it up a fathom or a fathom and a half. The spawned fish lie on the bottom and they cannot take the bait. But the trawl goes right to the bottom and the spawned fish swallow the hook and it kills them. Again, when a line-fisherman takes small fish they hardly ever swallow the hook, and the small fish is put back alive—but the trawl kills them. The spawned fish hardly ever take the hook unless it comes right into their mouth.

Q. The hooks on the hand-lines are very much larger?—A. Yes.

Q. Therefore the small fish cannot be caught, as a rule, with the hand-line, and if they are they are put back into the sea; they go off?—A. Yes.

Q. They are injured very little?—A. Yes.

Q. They are not killed?—A. No.

Q. But it is a smaller hook that is used with the trawls?—A. Yes; they swallow that and it gets into the stomach and kills them, and they are thrown back into the sea as gurry.

Q. They bring up all sizes with the trawls?—A. Yes; they kill the skate on the bottom which we consider a scavenger for eating up the gurry. They are killed and made no use of.

Q. The skate, then, is your scavenger?—A. I consider it so there; the skate, sculpin, &c.

Q. Do you know whether the cod and other fish swallowing gurry are apt to be killed?—A. Our fishermen tell me that they swallow the back bone and head and it destroys them. They catch them very poor and small.

Q. But the skate has a stomach to stand that?—A. It seems to be the case.

Q. Well, then, in reference to the throwing over of the gurry, what effect has that?—A. It has the effect of injuring the fisheries; it destroys the fish and injures them. This is universally considered by fishermen to be the effect.

Q. It is admitted also that this trawling injures the fish?—A. Yes, sir; it is, of course, disputed by a few, but many believe it is destructive.

Q. Do you believe it yourself?—A. I do with all my heart.

Q. Are you aware that where they have trawled for some considerable time at particular places, you cannot trawl again for a great length of time?—A. It has been introduced so recently in our waters that I only know it to be the case with the halibut spawning ground. I know that is fished out.

Q. Within the last ten years?—A. Within the last seven years. Our fishermen have been to me, every few days almost, to get up a petition to the government to prevent trawling. I have not done so.

Q. Before the Treaty of Washington they did not trawl at all?—A. No.

Q. What is the feeling of your people with regard to it?—A. They are very much opposed to it in Grand Manan, and have only been forced into it for self-defense.

Q. Why?—A. Just as I say. Two men in a boat have eight hooks; they will come along with a trawl that has fifteen hundred hooks. You can easily see where the disparity is. It is fifteen hundred hooks against eight. You see what the result is.

Q. The result is that our men are driven into it in self-defense?—A. Yes. Our men will go and raise a good school of fish with hand-lines. An American will take a glass and see what they are doing, and whichever boats have the best school they will come along to use their trawl alongside, and our boats have to pick up their anchors and away. The fish will leave the hand-lines for the trawl in an instant.

Q. Then our fishermen, knowing full well that the fisheries are being destroyed by these trawls, are obliged to use them?—A. Well, I will give you an illustration. Captain Dickson has a vessel of forty tons which he fitted out, and went to our grounds fishing. He was about a month, and got, I think, forty quintals, while the vessels fishing with trawls were getting plenty. Captain Dickson then fitted out with trawls, and in three weeks' time he got four hundred quintals.

Q. How many did he destroy to get those four hundred quintals?—A. He did not tell me, and I didn't ask him.

Q. Where was she fishing?—A. In our waters around the island.

Q. How many quintals did she catch in three weeks?—A. She caught forty quintals, I think, with hand-lines.

Q. How long was she getting the other load?—A. She was three weeks or a month getting four hundred quintals.

Q. With the same number of men?—A. Yes. That, of course, shows the practical difference between trawl-fishing and fishing with the hand-lines.

Q. Our own people are quite willing to give up the trawl-fishing at any time when the Americans do?—A. They are not only willing, but anxious. They are ready at any time to give it up.

Q. I suppose our people feel anxious that the fisheries should be preserved?—A. Yes; they feel so naturally.

Q. But how about the Americans?—A. I do not think they feel anxious. The capitalists may feel anxious. I do not know positively that they do, but the fishermen do not feel anxious about the matter.

Q. They go in for the gain of the hour?—A. Yes.

Q. You have stated that there are about 400 or 500 families in the land?—A. Yes.

Q. And there are about 2,000 inhabitants?—A. Yes.

Q. Do they own their own land?—A. Lots of them.

Q. They have their own houses?—A. Yes.

Q. They are mostly permanent settlers like yourself?—A. Yes.

Q. They would naturally feel an interest in the permanence of their fisheries?—A. Certainly, they do.

Q. Well, you say our people complain very much of this trawl fishing, and come to you about it?—A. Yes; a number will not go into it at all. They tell me they will starve before they will make a trawl, or they will quit of the business entirely.

Q. In your opinion it won't take very long to destroy the fisheries in that way?—A. I am afraid they will be destroyed if there is not something done. I am hopeful that after this is settled the two nations will establish an international law making it a crime to fish with a trawl, the same as to the seine fishing. That is bad too.

Q. Do you know anything about this purse seine?—A. No; except what my neighbors have told me.

Q. Do they use the purse-seine around the island?—A. No; they never used it around the island.

Q. Do the Americans do a large amount of boat-fishing around the land?—A. They do now.

Q. Since the Washington Treaty?—A. Yes.

Q. Before the treaty did they send any boats?—A. They really send more boats now than they did during the Reciprocity Treaty.

Q. After the abolition of the Reciprocity Treaty they did not come in?—A. No, because the boats run a great risk. They could not run ashore to avoid capture.

Q. After the abolition of the Reciprocity in 1866, and up to the Treaty of Washington in 1871, the small boats could not be sent in?—A. No; in my district, for they could be seized. But the vessels continued to fish because they could run outside of the limits.

Q. You say that since the Washington Treaty the boats have come in in great numbers?—A. Yes.

Q. The American boats come over from the main land, do they?—A. Yes. They come over from different parts along the shore, from Eastport and thereabout.

Q. What is the distance from Eastport to Grand Manan?—A. From Eastport to land it is only about seven miles. From Mount Desert it is a longer distance.

Q. Do they come from as far westward as Mount Desert?—A. Yes; they can come along the coast. They have good harbors all along the coast.

Q. Do they go further westward than Mount Desert?—A. I would not say for boats. I would not even say that boats come from Mount Desert. A man came to me on one occasion wanting to know why he had been placed on the road list. He belonged to Jonesport. He said the commissioners had put him on our road list. The fact was that he had been fishing so long alongside of our wharves that they had got him down as a citizen.

Q. Where is Jonesport?—A. It is between Mount Desert and Cutler. Then he had fished so much there that they had put him down as a resident?—A. Yes.

Q. Well, those boats—those American boats—do they equal or out-

number ours?—A. I think they outnumber ours. I would not say positively. I am convinced in my own mind that they outnumber ours.

Q. Those boats supply the coast of Maine with fish?—A. Yes.

Q. Our people do not compete with them in those markets?—A. Our fish go to Boston, Portland, or New York. Those boats supply their own coast.

Q. How often do they go home with their fish?—A. They fish a week or so and then go home. They have a nice little cabin in the boat and the men sleep in that. As soon as they get a load they go home.

Q. How do they keep their fish?—A. They salt them.

Q. How is it about the fresh fish?—A. Well, when they come for fresh fish in the winter time, of course they have larger boats or vessels.

Q. And the fish that are taken by the Americans in the summer they salt?—A. Certainly, unless they sell them fresh in the American market. In that case the vessels come supplied with ice. There are a few that run to Machias and other places with fresh fish, the same as they do to Eastport or Lubec; but any that make a business of selling the fish fresh must have an ice-house.

Q. Those American boats that you spoke of all fish within three miles?—A. Yes; I consider that they all fish within three miles—marine league. Boat fishing means that.

Q. Now, about how many American vessels fish on the coast during the season?—A. It would be hard to tell that. It has never been our duty to count them.

Q. They come in large numbers, and they greatly outnumber ours?—A. Yes; our people at Grand Manan fish but little in vessels.

Q. Do these vessels come in fishing within three miles?—A. At a certain time of the year. In winter it is entirely within. The fall and winter fishing is entirely within.

Q. What besides herring are caught in summer?—A. Cod, pollock and hake.

Q. They catch in boats and vessels both?—A. Yes.

Q. Now, in the spring are you not visited by the Grand Manan fish from Gloucester?—A. Yes; they used formerly to come to Grand Manan direct. Generally now they go to Eastport and get the Eastport people to catch bait for them.

Q. When you say "formerly," do you mean after the Treaty of Washington?—A. Yes; they did not come before that much. It is since that that they have come principally. They will come down every spring.

Q. How long do they last?—A. Sometimes a longer, and sometimes a shorter time.

Q. How many years after the treaty did it commence?—A. It lasted down to the present time, for that matter. There has not been so many this last spring as before.

Q. I thought you said there had been a change in the practice?—A. There has not been a change in the practice of getting bait at those places, but in the mode of getting it. They generally come to Eastport and make that their place of departure. The Eastport people, being acquainted with our waters almost as well as our own people, and they come across and catch fish and sell to the Gloucester fishermen. That is the majority of the cases now.

Q. I understand that at first they came down themselves and bought?—A. Yes.

Q. And now they come chiefly to Eastport to employ Eastport fishermen, who catch the fish and bring them to them?—A. The big vessels are not fitted out for herring fishing. They take an Eastport

vessel in company with them, and come over and anchor in our waters. They bring their own fishermen with them and anchor in our waters, and get their bait there. They sometimes come in the fall for bait.

Q. They are not confined to the spring?—A. No. In the spring they come always. They have come less this year to Grand Manan than ever before.

Q. Where have they gone this year?—A. I think to Campobello, Deer Island, and those places.

Q. Still in British waters?—A. Yes; we have the herring fishery.

Q. How many came down in the spring?—A. To the Grand Manan pounds, I should say forty sail. I would not say positively.

Q. As a practical fisherman, you say about forty sail of them?—A. Yes.

Q. Do you see them come in the fall?—A. Yes; at all times of the year.

Q. Where are the fish generally got that they catch in the fall?—A. Generally on the Banks, or on the coast of Nova Scotia. In the summer they take cod, halibut, &c.

Q. Do they take them in the winter also?—A. Yes. That is boat-fishing as a rule altogether. Our fishermen go in the winter time, but the Americans come in large vessels in the winter.

Q. It would be unsafe to go in boats?—A. Yes; they can only fish certain times.

Q. Will you tell me what is the value of the fish taken by our own people each year on the island?—A. Well, I could tell from my fishing turns of last year. I could have brought them all.

Q. Do you make up your return for the whole year?—A. Yes; from the 1st January to the 31st December.

Q. You do not make it up for the fiscal year?—A. No. I am ordered to make it to the 31st December. The return states itself that it is made up. The amount in my estimate, as I made it up from inquiry of the year, is \$383,891, but that is far under the real catch.

Q. You say that is far under the actual value of the catch. How do you account for its being under the amount?—A. Well, the fishermen are reluctant to give an account of what they make on account of the taxation. We have a free-school law now, and are taxed very heavily for it.

Q. It happens that you are an assessor of taxes?—A. I am at times, and I am a county councillor, and have been a census enumerator.

Q. And they do not like to give this information to you; you are the first person to whom they want to give it?—A. Well, I tell them that the marine department never lets such information go out of its possession. They tell me there is no need of its doing so, that I have it all in my hands. They say it is too thin.

Q. Then you believe the amount you have given is an under-estimate?—A. I know it must be over half a million dollars; that is our estimate of \$500,000.

Q. That is within the mark for your own island?—A. Yes.

Q. Of the British catch?—A. Yes, our own Grand Manan people. I suppose sometimes they come over from Campobello and other places; but I have nothing to do with that.

Q. Well, now, is the American catch larger or smaller?—A. I think it is larger.

Q. Have you any doubt?—A. No; because their appliances are so much better than ours, and I think their men outnumber ours.

Q. I suppose they are just as assiduous in using their appliances?—

A. Just as much so. One of their vessels will take more haddock in a short time than ours will in a whole year. One of theirs took 150,000 pounds in a week, while all of ours took only 50,000 pounds in the whole year. That was sold fresh.

Q. Then the American catch, I should judge from what you say, must be very much larger?—A. Well, that was only an isolated case; but I consider it is very much better. The appliances are better. They can lie on the fishing grounds; They have fine vessels, and good, bold men that are our own subjects; they generally have alien crews, the Gloucester vessels especially.

Q. All that catch that you estimate at over half a million for the British fishermen, and more than that for the Americans, is within the three-mile limit?—A. Yes. The British is, for certain, and I think the Americans catch much more inshore than our own people. Of course, they catch a great many outside.

Q. Now, from your experience of the fisheries, would it pay the Americans to come into the waters of the Bay of Fundy at all if they were debarred from the privilege of coming within three miles of the coast?—A. I do not know how they could come. They could not get bait.

Q. Well, if they could get bait could they get fares?—A. No, for certain; they could not supply their own market, if they were debarred.

Q. Could they prosecute the fisheries successfully if they had any market to supply?—A. Well, I do not know how far they would be actually debarred.

Q. I am supposing, for the sake of argument, that they could be kept out altogether?—A. Well, I do not think so. I think their catch would be probably less than one-third of what it is now.

Q. From your experience do you think they could prosecute it at all?—A. I think they could in some cases. I do not think they would invest money, only the wealthy capitalists, because, of course, the scarcer the fish became in the American markets the greater the price would be.

Q. And you think there would be very few fish that they would catch outside?—A. Yes. The capitalists could perhaps keep a certain number of vessels out.

Q. Suppose they were kept out of the grounds and you were allowed to send in your fresh fish as you were formerly; there was no duty on that, was there?—A. No.

Q. Well, then, they could not compete with you at all.—A. No; they could not compete with us.

Q. What is the feeling with reference to the treaty there?—A. The Washington Treaty? Well, our people are dissatisfied with it. They would be willing to go back to the old state of affairs. If it had been put to the people there, they would have voted it down for certain.

Q. What is your own opinion?—A. It is that it is an injury to our fisheries.

Q. Suppose they were kept out and were to put any reasonable amount of duty upon herring, say about \$1 a barrel, as it was before?—A. We can pay any reasonable duty they can put on. We have a better market of our own now since confederation.

Q. You have now the whole Dominion?—A. Yes. It is not only that we have a free market in the whole Dominion, but the facilities for conveying our fish are so much better now since the railway has been built. Most of our fresh fish—and line fishing—cod, pollock, haddock, in winter are sent to St. Andrews. Hart, for one, buys them and sends them up the line.

Q. You had not even during the Reciprocity Treaty that market?—
A. No; not then. Our fresh fish-trade was not anything during reciprocity. It is a new feature.

Q. During that time you had no free-trade with the other provinces?—
A. No; there was very little communication at all. We did not know anything but the American market, as a general thing.

Q. And now you have the whole Dominion?—A. Yes; and it is a good market.

Q. Do you find now, since the Washington Treaty, that you are fore-
called in the Canadian markets by the Americans?—A. Well, that is
the case to some extent. Captain Gaskill told me he went to St. John
fish and found that two Americans had sold there before him, and
they got a little better price than he did, because they were there before
him.

Q. Where had they taken their fish?—A. I suppose in our waters or
on the Banks; one of the two. I don't know where they caught
them.

Q. He is a resident of the island?—A. Yes.

Q. He is a practical fisherman and ship-owner?—A. Yes.

Q. Now you have spoken of Grand Manan. You are not very far
from Campobello, are you, or West Isles?—A. No; a very short dis-
tance; 7 or 8 miles.

Q. Your people go a good deal about there fishing?—A. Yes; they
are very much like ourselves.

Q. Take Campobello; is the fishing around Campobello larger or more
valuable than that around West Isles?—A. I should think it would
equal it, if not surpass it.

Q. In your judgment, are as many men, boats, and vessels employed
in the fisheries at Campobello as in the fisheries of the West Isles?—A.
I think so; I am quite sure. The people of West Isles own their own
land. On Campobello they rent their land, and have to live more on the
fisheries.

Q. West Isles is the district over which Mr. Lord has jurisdiction as
fishery Commissioner?—A. Yes.

Q. Campobello is a British island, I think?—A. It is, sir.

Q. It has a fishery-officer, I think, too?—A. Yes. It is within gun-
shot of Lubec, and about three miles from Eastport.

Q. It is close to the shore?—A. Yes.

Q. Do you know where the boundary-line of the province runs be-
tween Campobello and the Maine shore?—A. I do not.

Q. Where is the chief fishery at the island? Is it toward the New
Brunswick shore?—A. Yes; the line fishery is. Where the herrings are
caught is principally on the northwest side, passing Eastport and Lubec.

Q. The weir-fishing is on the flats?—A. It is between high-water and
low-water mark, and it is sometimes outside of low-water mark.

Q. It cannot be far outside of that?—A. Well, sometimes they weir
in seventeen feet of water.

Q. How do they clear them?—A. With the seines. They have seines
at all their weirs.

Q. Is there very much bait-fishing around there?—A. The bait-fishing
is principally on the eastern end of Campobello.

Q. It is the New Brunswick shore?—A. Yes, on the New Brunswick

Q. I mean towards the New Brunswick mainland?—A. Yes, towards
the New Brunswick mainland and the island. Between Deer Island

and Campobello, and that neighborhood, there is a strong marine current, commonly called the Quoddy River.

Q. Is that a good fishing-ground?—A. It is Quoddy River that they fish in principally.

Q. What do they catch in it?—A. Cod, haddock, hake, &c.

Q. At what seasons do they fish; at all seasons?—A. I think they do, but along in the summer is principally the season. I came up through a fleet of boats there that were catching a fine lot of fish. It was the largest fleet I ever saw. All were more or less loaded with fish. They were trawling hake, haddock, and cod principally. I saw the trawls and hand lines.

Q. One witness said that they got about 700 or 1,000 quintals a day; would they catch that much?—A. I was told by a man whose boat I towed up that there would be 500 quintals landed that day in East port.

Q. Of haddock?—A. Yes, principally; but there was cod as well.

Q. You are well acquainted with the fisheries of Charlotte County; take the mainland fishing from Letete as far as Lepreaux, is that a good fishing ground?—A. It is considered a good fishing ground. I am not personally acquainted with it, and can only say from what I have heard. My duties have never carried me there.

Q. But your practical knowledge extends there?—A. Yes.

Q. What would be the value of the mainland fishery, the British fishery alone, taking it from Letete to Lepreaux?—A. My own fishery is say, \$500,000; Campobello and West Isles must equal mine, and the mainland will certainly be more than half of that, if not equal to it.

Q. Well, then, you put Campobello and West Isles as about equal to Grand Manan?—A. Yes; speaking as I do, not knowing exactly, I should say so.

Q. That would be half a million for those two islands, and half a million for Grand Manan; that makes a million; and you think the mainland is half as much as either of those; that would be a fair estimate for the mainland?—A. Yes; Charlotte County is a very important fishing county. In 1861, I was a census enumerator, and I think the value of the fishery in that county nearly equaled that of all the other fisheries of the province, with the exception of St. John County.

Q. You put half a million as the catch of the British fishermen on the mainland for the year, and, in your judgment, the American catch the same?—A. All I can judge by is what I hear. They come down their vessels. I think they have their own way on the north shore much more than on Grand Manan. I have a great deal of trouble with them there. But on the north shore I think they have things pretty much as they want. I would say that they probably surpass our catch.

Q. We had Mr. McLean here as a witness, and he gave us an estimate of the fishing population in the county, which we thought must be an over-estimate. The whole population in the county is between 26,000 and 27,000, is it not?—A. By the last census it was, I think 26,000.

Q. Mr. McLean said he supposed 12,000 or 13,000 were engaged in the fisheries. Subsequently he said 6,000, and finally he said he did not know what it was. What do you say, as a practical man, is all that a fair statement of the number of persons engaged in fishing in the county?—A. West Isles must be nearly 600, and in Grand Manan there is something over 400 fishermen out of a population of about 2,000. You can make an estimate from that.

Q. There would be about 1,200 to 1,500 for the whole county?—A. Yes; I think 1,500 would be fair for the whole county. It would not be over that. It is more likely to be under than over.

Q. Now, take Grand Manan; judging by the returns that the fishermen give you, can you tell us what each family makes by fishing? Do you know that from statements of their own or from personal observation?

—A. I should think \$1,000 a year would be the utmost each would make. I do not mean clear; they certainly would not clear that.

Q. But they would make that?—A. I suppose from \$900 to \$1,000.

Q. Now, I want to know what your opinion is as to the value of the fish caught by the American fishermen in our waters year by year?—A. Well, I think it equals if it does not surpass the value of those taken by our own fishermen.

Q. You make our value a million?—A. The value of our catch should certainly be over a million.

Q. And the Americans you say certainly take as much?—A. I think so, because their appliances are better.

Q. On the mainland you say our catch must be half a million, and the American catch is equal to that?—A. Yes; I think so because they come down in the winter and follow these fine harbors up.

Q. You make for the mainland and islands a million and a half to be the catch of the Americans, and the same for our own people?—A. I think that would be fair.

Q. That is within our waters, within three marine miles?—A. Yes.

Mr. FOSTER. What do you include in the mainland?

Mr. THOMSON. From Point Lepreaux to Letete.

WITNESS. From Point Lepreaux to St. Andrews.

Q. You make one and a half million taken by Americans, and the same by the British fishermen?—A. Yes.

Q. And that is a low estimate?—A. Yes.

Q. Is the privilege of fishing in the American waters of the slightest benefit to any Canadian?—A. Not the slightest. I never knew one of our fishermen to fish in the American waters during the old Reciprocity treaty, during the whole twelve years. I don't know why they should. We have more of our own.

Q. Have you any trouble in keeping the Americans from breaking our fishing regulations?—A. Well, I have a little more than we have with our own people, from the simple fact that our own people I can catch afterwards if I don't happen to catch them at the time. I can catch them afterwards, within two years.

Q. They are within the jurisdiction and you can get at them?—A. Yes, I can; anywhere in the county. But the Americans, if I don't catch them in the act, get clear.

Q. And if you do, you must be strong enough to catch them?—A. I have to get hold of a very weak one to capture him. I have only caught few in my whole time.

Q. Take the spawning ground, which should be closed from the 15th July to the 15th of September; have there not been infringements of that regulation?—A. I know one case that I found out on my way here. Last week it was stormy and blowing, and I could not go in the small boat, but when I got to Eastport, on my way here, I learned that a man living in Eastport had taken 80 barrels. If he was a Charlotte County man I could catch him, but he is a Charlotte County man living in Eastport, and the American flag is responsible for him. He took 80 barrels one night's catch.

Q. Upon your very spawning ground?—A. Yes. I wish the Ameri-

cans would let us go across and catch them. I think a great many of the Americans themselves are anxious to have the spawning grounds protected.

Q. Along that coast, from Eastport and Lubec, towards Mount Desert, are there not great numbers of fishing villages that depend upon fishing for a living?—A. They are about the same as our own. They live on coasting, fishing, lumbering, and so on, just exactly as ours do. I know no difference between them.

Q. Without our fisheries could they live by fishing?—A. No, because if they could they would not come to our fisheries. They would not come so far away. They do not have fisheries of their own.

Q. You stated awhile ago that the Campobello people fished more than those of Deer Island; that is, of the West Isles Parish. On West Isles I think the people own their farms?—A. Yes.

Q. In Campobello it is not so?—A. No.

Q. It was formerly owned by Captain Robertson. It is now owned by his heirs, is it not?—A. It is owned by Mrs. Robertson. They can only rent the land, and as they do not own it they have to depend more upon fishing than the people of Deer Island.

By Mr. Foster:

Q. Do I understand that you have been fishery overseer ever since the death of your father in 1869?—A. He didn't die in 1869. I have been fishery overseer ever since 1867. He died in 1861.

Q. Who held the office in the interim?—A. There seemed to be no one during that time. It was under the old New Brunswick Government and no one took his place.

Q. At the Southern Head it was not protected during that time?—A. We had local fishery overseers appointed by the town and not by the government.

Q. (Reads) "Owing to the sudden death of the local overseer, in the midst of the fishing season, no complete return of Grand Manan fishery could be obtained;" who was that?—A. That was Mr. Drake, of North Head. I had charge at that time of the South Head. After the death of Mr. Drake they made me do the whole work, but they did not give me Mr. Drake's salary.

Q. That year there happened to be no complete estimate made owing to his death?—A. I did not use to make an estimate when Drake was overseer. I made an estimate after that year as best I could.

Q. Now, you are a naturalist to some extent. You have made a study of the habits of fishes. Are there no instances of herring spawning three miles from the shore?—A. We don't know any instances about Grand Manan.

Q. There are plenty of instances in the old country, I think. It is not universally the case that the spawning is inshore?—A. It seems that there are peculiar banks where they can spawn.

Q. You have no knowledge of any spawning-grounds except within the three-mile limit?—A. No.

Q. How is it with the catch of herring? Is it uniformly the case on the American coast, I mean the coast of the American continent, that is, either British or United States; is the herring catch entirely confined to within three miles of the shore?—A. It is confined within three miles.

Q. Is there not a considerable catch of herring outside of that?—A. Not to my knowledge. There used to be at a place called the B. plings. I think that would be outside of three miles. It is quite a large

patch of ground. I think the outer portion of it is outside. I think that fishery has died down owing to the destruction of the spawned herring. That was certainly not a spawning-ground, because there was no roe in the fish.

Q. Enumerate as many places as you can where herring is caught in considerable abundance off the coast anywhere. Begin as far north and go as far south as you can.—A. I confine myself principally to my own district. I know they are caught even to the southward of Cape Cod.

Q. Whereabouts?—A. I could not carry the whole thing in my head. I think there are very few caught south of the Hudson River.

Q. Name some of the localities where they are caught.—A. They used to be caught from Hudson River to St. Croix River, but it was the Maquoddy River herring. It is different from the common American herring, probably.

Q. Those, you think, are found between river St. Croix and the Hudson?—A. Yes; it is so generally understood. I don't think they catch any quantity of herring south of the Hudson.

Q. It is esteemed to be the same fish?—A. Our fishermen do not consider it so, but I suppose scientists may.

Q. Take herring generally; tell the Commission where they are to be found in abundance on the North American coast.—A. At Machias River they used to be taken in abundance. An old gentleman told me that seventy or eighty years ago he had seen a hundred sail lying in little Machias fishing for herring. They are taken in great abundance at Grand Manan, Minas Basin, on both sides of the Bay of Fundy, on the north and south shores of Nova Scotia, at the Magdalen Islands, Newfoundland, and so forth.

Q. They are very abundant at the Magdalen Islands, Newfoundland, and on the coast of Labrador?—A. Yes.

Q. And it is a matter of common knowledge that at those places very large quantities are taken?—A. Yes; but we don't think the Magdalen herring come to Grand Manan.

Q. You think it is a different variety?—A. We think each fish knows its own coast as a sheep its pasture.

Q. Name any places off the coast of the United States where you have heard that herring are caught in abundance.—A. I don't think I could say that.

Q. Do you think there are any?—A. There might possibly be.

Q. But of your knowledge are there any?—A. My knowledge does not extend to that.

Q. The herring fishery within your observation has not diminished; the quantity of herring has not grown less?—A. It did grow less in our vicinity and in the Bay of Fundy while the spawning grounds were not protected.

Q. Has not the herring fishery increased right along for the last eight or nine years?—A. It has increased for the last twenty years simply from protection.

Q. I was not asking you your theory of the cause of the increase nor to whether you thought protection had done it; but it is a fact that some way or other it has been increasing for twenty years past?—A. Yes.

Q. Now the estimate you give with respect to the fishing of Grand Manan in 1869 seems to have been, as stated by Mr. Witcher and Mr. Manning, that the number of men engaged in fishing at Grand Manan was 395?—A. Yes.

Q. And the value of the fish caught that year was stated at \$102,371—
A. Yes.

Q. Since then there have been official returns prepared for the county of Charlotte, and also for the entire province of New Brunswick?—A. I should suppose so.

Q. Has not the number of men employed in the fisheries of Charlotte County steadily increased?—A. It has, I know, in my district.

Q. And does not your knowledge extend over the county so as to enable you to say as regards the county?—A. I will say I think the number has increased.

Q. And also the total catch?—A. The total catch has increased.

Q. Right along?—A. Yes. There has been a decrease in some kinds of fish. The comparative returns show that at certain times cod-fish have decreased.

Q. I am now speaking more particularly about herring?—A. Herring has increased.

Q. Then, no doubt, herring fishery for twenty years has continually increased?—A. For nine years anyway.

Q. And the aggregate fish product of your county has increased?—A. Yes.

Q. In 1870 there seems to have been 670 men employed in fishing in Charlotte County. Does that accord with your judgment?—A. I think there would be more than that number that year.

Q. And 38,581 barrels of herring were taken?—A. That is underestimated.

Q. Is it not a reasonable estimate? What percentage under do you think it?—A. My own island, I think, put up 14,000 barrels last year.

Q. I am on 1870?—A. I am judging from last year. That is a safe estimate.

Q. Do you think it is an underestimate?—A. I think it is under if anything.

Q. It is not absurdly low?—A. Not absurdly low.

Q. It is not such an estimate as a man of good judgment might make?—A. The same causes are in action in other parts of the province as at Grand Manan. Where the fishery officer does not care about the returns, he gives estimates. The fishermen are afraid of taxation. We have never been used to high taxes in New Brunswick.

Q. So some of the fishermen state things low to avoid taxation?—A. Yes.

Q. And some, by way of brag, might state things a little high?—A. I don't think they do. I don't think any man is fool enough to overestimate it.

Q. Don't you think any of your fishermen have made a true statement to the official?—A. They look upon it as they do upon a custom-house oath, as not amounting to anything. They are not under oath and they want to protect themselves.

Q. The men who go round to get these returns know about the catch and they mean to make a proper return to the government?—A. They must take the catch from the fishermen.

Q. Honor bright, do you mean to say there is no dependence to be placed on these official returns, or do you mean to say that the official returns, from certain causes, are a low estimate?—A. They are a low estimate from that cause.

Q. They are low but not absurd, I suppose?—A. I don't know what you call absurd.

- Q. What do you call absurd ?—A. I should say that if the catch was 30,000 and they said it was only 5,000, the statement would be absurd.
- Q. Do you mean to say the official returns are of that character ?—A. They are not of that character.
- Q. What do you think should be added to the amount stated in the returns ?—A. They are all of one-third below. I should think that would be a fair estimate.
- Q. You think the whole catch last year is one-third more than it is estimated in the returns ?—A. I think it is one-third more than it is estimated.
- Q. As to the number of men employed, was that truly returned ?—A. That is truly returned, because I took their names. There are boys engaged, but we don't count them.
- Q. Then as to the 38,551 barrels of herring, what weight would there be in a barrel ?—A. Two hundred-weight of salt herring in a barrel.
- Q. Is any provision made for their inspection ?—A. If so, we have no inspector.
- Q. Then the quantity would be one-third more than 38,551 barrels ?—A. Yes.
- Q. And one-third more than 60,200 boxes ?—A. Yes.
- Q. The total fish product of Charlotte County is placed at \$172,538.80 for that year ?—A. Yes.
- Q. How much more than that would it be ?—A. Of course, if there was one-third more fish than estimated, there would be one-third more in money.
- Q. Take that valuation, what is there in it besides herring ; of what is the product composed ?—A. I can give you the quantities of fish of different kinds for last year.
- Q. But I want to find out something about the other kinds of fish contained in the aggregate return for 1870. First, there is some salmon, is there not ?—A. Very few, I think.
- Q. 1,600 pounds ?—A. That is a small quantity.
- Q. How much mackerel ?—A. We have not any.
- Q. Is there any considerable quantity of mackerel anywhere in the Bay of Fundy ?—A. I think there is, but the fishermen do not look for them. Sometimes mackerel are caught in the weirs ; in 1875 about 1,000 barrels were taken in our weirs.
- Q. The Bay of Fundy has been practically abandoned as a mackerel-fishing ground ?—A. Yes.
- Q. That goes back how far ?—A. I think forty years.
- Q. It is less than forty years since you seized American schooners here ?—A. We did not seize them in our waters for mackerel, but for other fishing.
- Q. Mackerel fishing there died away before your day ?—A. I remember it ; I was then eight years old.
- Q. Are any alewives included in the return for 1870 ?—A. We don't have many in Charlotte County, I think.
- Q. There are not any entered, I see ; then we come down to cod-fish ?—A. Yes ; there are cod-fish.
- Q. Eight hundred and fifty-four hundred-weight of dried cod-fish is entered for Charlotte County that year ?—A. That must be a mistake ; there is certainly a mistake.
- Q. What would be your estimate for 1870 of the dried cod-fish ?—A. I cannot speak for Charlotte County.
- Q. You have given an estimate of the amount taken at the Grand Manan and the mainland for the present year, 1876 ?—A. Yes.

Q. But you cannot tell anything about the quantity of dried cod-fish in 1870?—A. Not for Charlotte County. I think we must have put up that year from 10,000 to 15,000 quintals. We put up 7,000 quintals last year, and cod was not so plentiful.

Q. Put it up dry?—A. Our line fish is almost all put up dry.

Q. Pickled cod is put down at 2,300 barrels?—A. They are small cod caught inshore at Passamaquoddy, and are put up in half-barrels. We hardly ever barrel any cod in Grand Manan.

Q. Do you know anything about the lobster trade there?—A. Yes.

Q. Twelve thousand cans are entered; what would they be worth per can?—A. About twenty-five cents.

Q. Twenty-four thousand haddock are entered; is that right?—A. Only during three years have we been required to enter haddock separately, so many fish. That was intended as pounds of fresh fish. We did not formerly catch haddock.

Q. There is an entry of 420 barrels of haddock and five hundred-weight of pollock; are those approximately just estimates?—A. I do not think they are. I think the quantity is too small, but I could not tell you how much it was. I do not think the quantity returned is large enough for Grand Manan.

Q. Then we come to hake, 330 barrels, and pollock, 120 barrels; are they too small?—A. Yes; they do not put much pollock in barrels, but in quintals.

Q. Next there are 1,500 gallons of oil?—A. That is too small.

Q. And 970 tons of pumice, which is what remains after the oil has been squeezed out; your oil is made from what fish?—A. From herring, principally. Hake gives one gallon of oil to the quintal in Grand Manan, but it is not so good at the Western Isles and Campobello.

Q. The total value of the fish products of Charlotte County for 1870, is estimated at \$172,538.80 in the official returns?—A. Yes.

Q. How much should that amount be increased, according to your judgment?—A. To be perfectly safe, I would increase it one-third.

Q. Now we come to 1871; there seems to have been a large increase that year?—A. Simply because they took the returns correctly; they began to be more correct.

Q. Have the returns since 1871 continued to be correct?—A. I can speak for my own returns; I have always tried to be as correct as I could.

Q. You think for 1871 and subsequent years the returns for Charlotte County are pretty true?—A. I could not say that. I know I am about the only officer in Charlotte County who makes personal inquiry. I am better paid than the other officers.

Q. Is there reason to suppose that from 1871 down, this business of making statistical returns has not been fairly well done, making allowance for the fact that there is a sparse population and the officers are underpaid? Are not the officers intelligent and honest men?—A. I questioned some of the officers as to how they got their returns. They told me they did not get them by personal inquiry. I know that each is anxious to have his own parish estimated as low as possible on account of the County Council.

Q. They don't miscount the number of men employed?—A. Not as a general thing. I don't miscount mine, because I count them myself.

Q. In 1871 the number of men employed was 1,359?—A. Yes.

Q. That is exclusive of boys?—A. Yes.

Q. They appear to have caught, that year, 107,746 barrels of herring

the number of boxes is not given?—A. That, I think, would be a fair estimate.

Q. Do you recollect what they were worth per barrel in 1871?—A. From \$3.50 to \$4 per barrel.

Q. The total value of the fish product of the county in 1871 is estimated at \$413,765. What do you say to that sum?—A. I don't think that is one-half.

Q. Don't you think the herring catch is more than one-half of the total fish product?—A. I think not.

Q. In 1872, 1,228 men were employed. That is a falling off. That number may perhaps be taken as true?—A. I don't know why there should be any falling off. There has been a gradual increase in my district.

Q. In 1872, according to the returns, there were 29,962 barrels of herring and 571,343 boxes taken in Charlotte County. What do you say to those quantities?—A. I think I had more in my returns. There were 300,000 or 400,000 boxes in my district.

Q. The total value of the fish products of Charlotte County for the year is estimated at \$617,603?—A. I am afraid the returns from other parts of Charlotte County were not as accurate as mine. The men are poorly paid and I don't think they can afford to be correct.

Q. According to the returns there were 1,388 men employed in 1873, and the value of the fish product of Charlotte County was estimated at \$635,429.35?—A. I think you would find, if you had the separate returns, that my parish produced more than one-half.

Q. At all events, has there not been a progressive increase in the number of men engaged in fishing in your county and in the aggregate value of the catch?—A. In my district there has been, certainly, and I think there has been in the whole county.

Q. Has not the whole province of New Brunswick gone on increasing the number of its fishermen and in the value of its catch?—A. I don't know that to be the case.

Q. What is your opinion in regard to it?—A. I don't know any reason why it should not. It is a progressive province.

Q. And the fishery has been prosperous?—A. As a general thing.

Q. In your report you say: "Compared with last year there has been slight increase in the catch of fish of all kinds in the waters of the Grand Manan, with the exception of mackerel, a fish our people scarcely calculate on. The principal causes for this cheering increase are, the more vigorous prosecution of the fisheries, the prevailing fine weather during the whole year, the abundance of herring, both large and small, in my district. Line fish and herrings of excellent quality are now being taken in abundance along the whole south coast of the land, and our people are busily engaged in catching and selling their fish for the United States markets."—A. That is correct.

Q. Then the fishermen and fisheries are in a condition of increasing prosperity?—A. They are certainly so in my district, and we would like to keep them so.

Q. They have not diminished since you began to be acquainted with them?—A. No.

Q. Now, about the inshore fisheries, am I to understand that there are no fish caught more than three miles off shore?—A. There is plenty of fish caught more than three miles off shore, but boat-fishing means inshore fishing.

Q. Then there is a large fishery outside three miles from shore?—A. There is excellent fishing in the Bay of Fundy.

Q. Beyond the three-mile limit?—A. Yes.

Q. For what kind of fish?—A. For cod principally.

Q. Do you know Overseer Best, of Beaver Harbor and Letite?—A. I am not acquainted with him.

Q. Do you know him by reputation?—A. No.

Q. Do you know Overseer Cunningham?—A. I have met him.

Q. Is he an intelligent man?—A. I know he is a man; I would not like to say what he is.

Q. Have you not heard it stated, as coming from Overseer Best, of Bear Harbor and Letite district, that "The catch was made chiefly in deep water this year, as far out as five to seven miles from the coast, and no line fish have been taken within two miles, except haddock. There have been plentiful, but cod scarce, while hake have been taken only in deep water"?—A. I read that at the time to our fishermen, and they said it was a lie.

Q. Then you contradict Overseer Best?—A. I don't think many of them know what one mile from the shore means. The Wolves lie off six miles, but the waters between them and the mainland are ours. That is what it refers to.

Q. It cannot refer to that, for he speaks of "from five to seven miles off the coast."—A. He means off the main coast. Such a thing as he says never took place in Charlotte County. I read it to our fishermen, and they laughed at it. These overseers, I think, want to get a revenue-cutter there to look after the American fishermen who set nets on Sunday.

Q. Where are Americans to go for information if they cannot rely on Canadian blue-books?—A. These men have been wanting a revenue-cutter there to stop Americans from setting nets on Sunday; that is what they were after.

Q. You say there is good fishing in the Bay of Fundy?—A. Matt Ground, Grand Manan Bank, and Gravel Ground are excellent fishing-grounds.

Q. There is, then, first-rate fishing in the Bay of Fundy for haddock and cod?—A. There is good fishing, but not so good as there used to be before there was trawling there.

Q. Good fishing for hake and cod?—A. For only cod and haddock.

Q. For cod and pollock?—A. Pollock is an inshore fish. The Rippings at Grand Manan is a good place for pollock. Cod, halibut, and haddock are got off shore. Hake in my district and in other districts is an inshore fish, and are caught on a muddy bottom, and pollock are taken on the ledges.

Q. Cod, halibut, and haddock may be obtained at the places you have mentioned by American fishermen?—A. Yes; there are banks where they may be obtained. The fishing is not so good as it used to be there, and it is failing.

Q. When did you first know trawls used?—A. Trawling has been done by Americans a great number of years. There was a law passed long before Confederation, and I suppose still exists, prohibiting trawling in the county of Charlotte; I think it does not extend to St. John. We had no trawling during the Reciprocity Treaty from that fact. Our people were, and are, unanimously opposed to it.

Q. Give the Commission the year when trawling first began?—A. It has gradually increased since 1871.

Q. It began as early as 1871?—A. I think a little earlier; I would be safe in saying 1871. They were not allowed to trawl so long as the law was in operation.

Q. Do you not give too much credit to the ingenuity of the Americans in regard to trawling?—A. They got it from the French.

Q. It has been prosecuted how long?—A. On the Banks, I suppose, for years and years and centuries; but not in so destructive a manner. The French use larger hooks and do not take such small fish. The Americans are the most destructive of all fishermen in the world.

Q. Notwithstanding the destruction caused by trawls and the throwing overboard of gurry and everything of that sort, the number of the men employed and the value of the fish product has steadily increased, and the business has prospered this year?—A. Yes; but you must also remember we are increasing in population and more men are engaged in the fisheries, and they put forth greater efforts.

Q. Of all the herring you catch, what proportion goes to the United States market?—A. I could not give you that; even the custom-house authorities could not give you the proportion.

Q. Is it not a very large majority?—A. I could not say.

Q. Don't you think so?—A. I could not say. Our people trade with different parts of the Dominion and United States; but I think a very large majority of our smoked herring goes to the United States.

Q. And frozen herring?—A. Our frozen herring always went there. But there is an increasing amount going into our own country. Almost all the frozen line fish taken by Grand Manan, including cod and pollack, has gone into the Dominion.

Q. Of frozen as well as smoked herring, does not much the greater proportion go to the United States?—A. Yes, but they go from there to Canada again.

Q. Do the frozen herring go from the United States to Canada?—A. As I understand.

Q. In what way?—By the Grand Trunk Railway.

Q. From what ports?—A. From Portland and Boston, and even from New York.

Q. The frozen herring are first sent down from the Bay of Fundy to Portland and Boston, and are then sent through your Dominion?—A. That is the nearest route.

Q. They are first sold to United States citizens?—A. So our merchants tell me.

Q. Of the codfish, do you know what proportion goes to the United States?—A. I could not tell you. I am asked in my return where the market is, and I say the United States and Canada. The custom-house could not do better.

Q. You are not willing to give us your estimate or judgment?—A. I think I would be safe in saying two-thirds go to the United States. Captain Gaskill sends them in bond to the United States, and I don't know where they go after that.

Q. In the province of New Brunswick, what kind of fish do Americans take; the Americans don't catch any salmon, do they?—A. No; they are not allowed to catch salmon.

Q. The mackerel are so few the Americans do not catch many of them, suppose?—A. No.

Q. They do not catch shad?—A. No.

Q. Nor bass?—A. I think they fish at the head of the Bay of Fundy for shad and bass.

Q. But are not shad and bass essentially river fish?—A. Yes; but, after all, the very best are caught in salt water.

Q. Do the Americans catch many bass?—A. I don't say they catch many, but they fish with nets at the head of the bay.

Q. It is your belief that Americans catch many bass in New Brunswick waters?—A. I could not say that. It is a new thought. I could not say so.

Q. It is rather your impression that they do not catch many bass?—A. It is rather my impression they catch some.

Q. A great many?—A. I don't say our people catch a great many.

Q. Do the Americans catch some trout?—A. Yes; some of your grandees, who have gone there and leased rivers, fish for trout.

Q. You don't understand they have a right to fish for trout?—A. No.

Q. How is it with smelt?—A. Smelts never come into our part of the country.

Q. How about lobsters and oysters?—A. We have plenty of lobsters, but the Americans don't take them.

Q. How about lobsters?—A. Americans came into our waters and built camps on our shores. Our fishermen did not like it, and the Americans left.

Q. They settled there, but not permanently?—A. Our people felt it was an infraction of the law.

Q. Then of the \$1,953,338.59, said to have been the total yield of the fisheries of New Brunswick in 1876, would there not have been a good deal more than half with which the Americans had nothing to do?—A. In 1871 Charlotte County's catch was fully more than the whole of the rest of the province put together.

Q. You have spoken of the well-known fact that a majority of the men fishing in American vessels were foreigners, and more than one-half of British subjects?—A. I said from Cape Ann. I thought more than one-half the fishermen were or had been British subjects.

Q. When you talk of American fishermen, do you mean those from Gloucester?—A. From Trenton, Maine, your vessels are filled principally with Americans, but from Gloucester it is different.

Q. When did the large emigration of British subjects down to Eastport begin?—A. That has always been the case.

Q. Eastport has grown during the last twenty years?—A. It is almost composed of whitewashed Yankees.

Q. What is its population?—A. About 4,000.

Q. How large was it when the Reciprocity Treaty was in operation?—A. It has been finished some years. There has been about the same population for a number of years.

Q. Has it not grown for 25 or 30 years?—A. Very little.

Q. What portion of the fishermen of Eastport do you estimate to be British subjects to-day?—A. I could not give you an estimate. I find most I come in contact with have been British subjects.

Q. Have they been naturalized?—A. Most of them are naturalized, I think.

Q. How many years is it since British subjects ceased to move there?—A. I think they are moving all the time; and we get a good many of your people over to us. They move backwards and forwards.

Q. Is there a considerable salt trade carried on by your people with Americans?—A. Not so much as with the people on our own side.

Q. Is there a considerable trade; do not Americans buy salt from you?—A. I don't know that to be the case. There is no salt trade with Americans at Grand Manan.

Q. How long do you think the influence of dead fish which drop to the bottom will continue to affect the waters for fishing purposes?—A. I think it affects them till the fish are thoroughly decayed. It drives the fish from the ground.

Q. How long will that continue to affect the fishing ground?—A. I will give you an illustration. I know a good weiring. Just above is a fish establishment; they empty the pickle which runs into the sea, and destroys the weirs.

Q. The fish establishment is on the shore?—A. Yes.

Q. That is hardly chargeable to Americans, and it is hardly an illustration of the effect of the throwing overboard of offal?—A. I did not make any charge against Americans.

Q. No one doubts you can contaminate water.—A. That is generally understood by the fishermen.

Q. But I want to know how long will the water remain contaminated by gurry being thrown into it?—A. I would require time to think over that.

Q. Do you think it would last one year?—A. I know the destruction of herring on the bottom will destroy fishing grounds entirely for herring.

Q. We are talking about offal being thrown overboard?—A. Herring on the bottom is gurry. We consider everything in the shape of fish and in the sea as gurry.

Q. How long will it be before the effect of the offal disappears?—A. St. Andrew's Bay has been cleared out; there has scarcely been a herring there for two years. They caught great quantities of herring there previously.

Q. You attribute the disappearance of the herring to that cause?—A. Yes; and in former years also their disappearance from the south head of Grand Manan. For the last two years the fishermen have got no herring in St. Andrew's Bay. When they fished there two years ago almost every fish seemed to be filled with gurry, and it destroyed the fishing almost entirely.

Q. Do you consider that the influence of the gurry continues more than two years?—A. I said it was two years since we had taken the fish from that place. I think if that practice were prohibited there would be a great increase of fish at those grounds—the herring would gradually turn.

Q. If you have a place as big as this room and the bottom is pretty well sprinkled over with gurry, how long will it keep the fish from coming back there?—A. It is not considered by our fishermen that it keeps the fish from coming back, but they swallow the backbone and other bones and are destroyed.

Q. They don't stay away?—A. They get sick and are destroyed.

By Mr. Thomson:

Q. The returns give \$1,953,388 as the value of the fish products of New Brunswick for 1876; is it possible that that conveys the whole value of the fisheries?—A. I believe it is one-sixth. It is not enough for Charlotte County. It is a pity the government have any reports at all.

Q. In regard to the returns you have made, you have said you were better paid than the other overseers?—A. I am not well paid, but I am better paid than the others.

Q. You have taken pains to make personal inquiry in making your returns?—A. Yes.

Q. They will underestimate the catch?—A. They are just like all other men.

Q. They are afraid of taxation?—A. Yes.

Q. As to the other overseers, from conversation you have had you say they really make no personal inquiries?—A. From my conversa-

tions, they do not. Mr. Lord, who is a truthful man, said he did not make personal inquiries except of one or two individuals. Each is anxious that his own parish should appear as low as possible; they put the amount as low as possible on account of taxation. We have been building large school-houses in Charlotte County to try and beat our neighbors.

Q. In regard to Overseer Cunningham, have you anything to say?

A. He is hermetically sealed all winter in a small gully called Bolebeck.

Q. That is fifteen miles from St. Andrew's Bay?—A. Yes. He has \$50 a year. He could hardly see a vessel out in the offing from his place, and I think he has no boat to go out in. His place is inshore inland.

Q. You have said that you have seen the report of Overseer Best, in which he says that the fishing was done in deep water?—A. Yes.

Q. You read it to the fishermen and they laughed at it?—A. They said it was a lie.

Q. You think he was figuring to get a cutter there?—A. There was a feeling that they would like a cutter there; they were after getting a revenue-cutter, and I think they need one; but they should not have taken that way to get it.

Q. You have been asked about the general increase in our fisheries; our fisheries have increased?—A. Yes.

Q. But you attribute the fact of the increase to increased protection?—A. I think that.

Q. There have been during the last ten years strenuous efforts made by the Dominion Government to protect the fisheries?—A. Yes, and they have had a most excellent servant there to do it; that is myself.

Q. There has been a good deal of expense in connection with it?—A. Yes.

Q. And the Americans get the benefit of that?—A. Certainly they do.

Q. They get an increased quantity of fish and don't pay a dollar?—A. The protection of our trout and salmon in our rivers and the fact of our fish breeding must induce the fish to come in for food.

Q. Trout and salmon are protected equally?—A. Yes.

Q. And there are large fish-breeding establishments for salmon in different places?—A. Yes.

Q. The more young fry there are in the rivers the more the sea fish are attracted in?—A. Yes; we consider it is so. Fish are after something to eat the same as men are.

Q. Do the vessels fishing for herring in winter around the islands and mainland of New Brunswick fish only for herring?—A. They fish for herring and cod.

Q. Cod-fishing within the limits?—A. Yes. There is no bay fishing in the Bay of Fundy in winter. The Bank fishery ends about this time in the bay.

Q. They don't go into the Gulf of Saint Lawrence?—A. I never knew them to do so; but they are large enough.

Q. But they don't go?—A. Not to my knowledge. Those on our coast don't go; there is only one banker, the Thurlow, of Grand Manan.

Q. The vessels are kept fishing entirely in the Bay of Fundy?—A. Yes. When they leave our coast they go to Nova Scotia to fish.

Q. Is it so with American vessels also?—A. Yes. I know last year our people went over to Nova Scotia to fish and American vessels came from Eastport and Lubec to Grand Manan, and they did much better.

than we did. Our people missed it by going out of their own waters. This was last year.

Q. You don't attribute the increase of the fisheries for the last eight or ten years to anything else but protection; you don't attribute it to the benign influence of American fishermen on the fisheries?—A. I think not. That is something new to me.

Q. Nothing of that sort?—A. No.

Q. Has the halibut fishing diminished?—A. Yes; it has diminished in the whole Bay of Fundy.

Q. To what do you attribute it?—A. To trawl fishing. Haddock has increased.

Q. Haddock happen to be fish that cannot be taken by trawls?—A. They can be taken by trawls; but the halibut is a natural enemy to the haddock, and as they kill the halibut so the haddock increase. Whether that theory is correct or not I don't know.

Q. Notwithstanding anything that has been read to you out of the reports, you still adhere to the opinion that at the islands alone \$1,000,000 worth of fish is taken every year?—A. Yes, I am convinced of it.

Q. And about half a million on the mainland?—A. I think that would be an underestimate.

Q. That is, taken, I understand, by Americans alone?—A. I think they take equal if not more than our people. The Americans have better appliances.

Q. You say that is an underestimate?—A. I consider it to be an underestimate.

Q. You value your opinion as highly as the returns of those overseers who have been referred to?—A. Considerably higher.

Q. Do not Canadian fishermen, notwithstanding the treaty, when they go to fish over to Newport or other American ports, have to pay a fee of 60 cents?—A. I heard our fishermen say there is 60 cents levied each time they enter; that most of them evade it; but I know one load was seized. They violate the law every time they go to an American port when they do not pay it.

Q. Do American fishermen pay the fee?—A. I think not.

Q. Only British fishermen?—A. American vessels don't have to pay. I remember one case in which a boat was seized. The fish belonged to Mr. Langford, of Massachusetts, who had bought them from a British subject at Grand Manan. He did not go to the custom-house and the fish were seized.

Q. Was that fee exacted during the Reciprocity Treaty?—A. Our fishermen say not; I could not say.

By Mr. Foster:

Q. You estimated the population of Grand Manan at 2,000, I think?—A. Yes.

Q. How many are actually engaged in fishing?—A. 435, I think.

Q. So you estimate that those 435 take \$2,000 worth of fish each year?—A. Yes.

Q. You are satisfied you are correct?—A. Yes; they don't make that much money. I think the number of men is 435. There is quite a number of boys engaged, but they are not down. We just take the able-bodied men.

Q. Explain the system of taxation; for what are the fishermen taxed?

A. They are generally property-owners, and they are taxed for county and parish purposes.

Q. On what?—A. They are taxed on their real estate and personal property.

Q. How are they taxed on personal property?—A. Our free school system is somewhat different from yours. With us, every parish is divided into districts. Grand Manan is divided into districts, and in one district the rate will be, perhaps, 1 cent, and in another one-quarter of a cent.

Q. For what is the fishermen taxed?—A. He is taxed on his house, boat, and personal property, and on his income, on his labor. We have county assessors, who go round and make up returns.

Q. If a man earns \$30 a month, is his income taken at \$360, and has he to pay a percentage on that?—A. Yes.

Q. Just the same as on property?—A. Yes.

Q. And if the same man has caught \$1,000 worth of fish, do you carry in that \$1,000?—A. That is personal property.

Q. In addition to his fishing boat?—A. Yes; last year they exempted fishermen with incomes of \$200, after they had made considerable complaint.

Q. Don't they exempt wages to that amount?—A. There is no one but a fisherman exempted.

Q. Is that because they are a poor class or why?—A. Our fishermen are almost all voters, and make considerable row. I think it was done because they are voters.

By Mr. Thomson :

Q. You say there are a lot of boys who do a large portion of the fishing?—A. Yes.

Q. What proportion of boys will there be to 435 men at Grand Manan?—A. I should think 150 boys; there might be more. Most of them are pretty smart fellows.

Q. That is about the proportion of boys on the other islands?—A. I think so.

By Hon. Mr. Kellogg :

Q. Will you state the distinction between fishing vessels and boats?—A. Vessels are decked.

Q. Small boats have masts?—A. A great many have, but they have not decks.

Q. When you spoke of your vessels going over to the Nova Scotia coast, and American vessels coming in, was it into the Bay of Fundy?—A. Yes.

Q. You spoke of the fish schooling there when you fished for them; do you mean any fish except herring?—A. In the fall of the year the cod are fished when schooling; they are seldom caught without schooling.

Q. Are they taken in nets?—A. They are taken with hooks; they school when coming inshore; they follow the herring.

By Mr. Thomson :

Q. The people of Grand Manan never fish in American waters?—A. No.

No. 32.

THURSDAY, August 23, 1877.

The conference met.

The Hon. THOMAS SAVAGE, merchant and ship-owner, and member of the legislative council of the Province of Quebec for the Gulf Division.

ion, including the three counties of Gaspé, Bonaventure, and Rimouski, was called on behalf of the Government of Her Britannic Majesty, sworn, and examined.

By Mr. Thomson:

Question. Where do you reside?—Answer. At Cape Cove, Gaspé.

Q. How long have you resided at Gaspé?—A. About fifty-three years; about fifty two years ago from last April I arrived in this country.

Q. How far are you from Gaspé Bay?—A. I suppose about 25 miles.

Q. Do you live to the north or the south of the Bay of Gaspé?—A. I live to the south of it.

Q. Then you reside between the Bays of Chaleurs and Gaspé?—A. Yes.

Q. How long have you been engaged in the fishing business?—A. I have been so doing business on my own account for these forty-five years; and previously I acted as clerk for my brother in the same business.

Q. You come from Jersey?—A. Yes.

Q. Are there large Jersey firms doing business in Gaspé?—A. Yes.

Q. What are their names?—A. There are Charles Robin & Co., Le Boutillier Bros., and the Collas Bros.; these are the largest firms; then there are Charles Le Boutillier, who was born in this country, and myself.

Q. What fishery do you chiefly prosecute?—A. The cod-fishery.

Q. I suppose you may say that you are entirely so engaged?—A. Yes; that is our money.

Q. How many boats do you employ in your own business?—A. I have 84 fishing for me.

Q. Eighty-four of your own?—A. Yes. I may call them my own; I furnish them with what they require.

Q. What would be the average value of these boats all round?—A. The value of a boat newly rigged is £30; but of course all of them are not now worth that sum. I suppose that their value all round would be about £20.

Q. As they stand now?—A. Yes; counting the old with the new, they would be worth from £20 to £22 10s.

Q. That is equal to between \$80 and \$90?—A. Yes.

Q. Those boats fish for cod exclusively?—A. Yes.

Q. Within three miles of the shore, or farther out?—A. Some go farther out; but to the best of my knowledge, nine-tenths of the cod caught on our coast are taken within three miles of the shores, and the remaining one-tenth on the Banks.

Q. Banks Orphan and Bradley?—A. Yes.

Q. Including the catch on Banks Orphan and Bradley, nine-tenths of the whole fishery there is done inshore?—A. Yes.

Q. And the other one-tenth on these banks?—A. Yes.

Q. That has always been the case?—A. Yes, since I have had any knowledge of this fishery.

Q. Where are your fishing grounds?—A. All along the coast.

Q. Do you fish around and north of Cape Gaspé?—A. O, yes.

Q. Up the river?—A. Yes, as far as Cape Chate.

Q. Cape Chate on the southern is very nearly opposite Point Des Monts on the northern side?—A. Yes.

Q. How many thousand quintals of cod do you cure a year?—A. I consider that the boats we have on the coast average each about 150 quintals for the whole year, including the summer and fall fishing.

Q. That would make 12,600 quintals—what do you do with these fish?—A. I send part to the Brazils, a couple of cargoes to the West Indies, and the remainder to the Mediterranean markets—Spain and Portugal. I send the large fish to Oporto.

Q. Do you ship fish to the United States?—A. I have never sent a fish there.

Q. Do you know of any one in your neighborhood who has done so?—A. I do not; I speak positively.

Q. And do all the other producers at Gaspé trade the same as you do?—A. Yes; to my knowledge they have never sent a codfish to the United States.

Q. They sent them to the Brazils and West Indies, to Spain and Portugal and other Mediterranean ports?—A. Yes; and to ports in the Adriatic.

Q. What are these codfish worth at Gaspé before they are shipped?—A. We value them at \$5 all round.

Q. A quintal?—A. Yes.

Q. About what would you say would be the whole export each year from Gaspé?—A. To the best of my opinion from 150,000 to 200,000.

By Mr. Dana:

Q. What?—A. Quintals.

By Mr. Thomson:

Q. Would it be nearer 200,000 than 150,000?—A. It may be. I cannot say positively.

Q. 150,000 would be a low estimate?—A. It would be the least.

Q. And it might be 200,000?—A. Yes; I intended to take the different returns, but I forgot them.

Q. You yourself ship nearly 13,000 each year?—A. Yes.

Q. And you do a small business compared with Robin & Co. and the Le Boutilliers and others?—A. O, yes; they are companies and I am alone.

Q. I believe that all you Jersey gentlemen rather encourage the cod fishery and discourage fishing for mackerel?—A. Yes; we would very well like to fish for mackerel also, but the Americans do not give us a chance to do so. As soon as these fish strike our coast the Americans are there and pick them up; and they will not allow our fishermen even to get mackerel for bait.

Q. Will you explain this matter to the Commission?—A. You see that, owing to the Americans fishing for mackerel on our coast, our fishermen cannot even get bait, because mackerel make good bait for cod-fishing.

Q. Is it the bait you generally use for them?—A. Yes; during the summer; but the Americans take the bait from us. I consider that, if the Americans did not do so, our fishermen would catch one-quarter as many more fish than they now do.

Q. Their coming there depreciates your catch of cod to the extent of one-quarter?—A. Yes.

Q. At what time do the Americans come for mackerel?—A. That does not occur at the same period every season. They sometimes arrive in July or in August, or in September. They come during the three months of the year.

Q. Have you seen them come on your coast in great numbers?—A. Yes. I have seen them so thick from my own place, that one could not count them.

Q. How long ago was that?—A. It was during the Reciprocity Treaty.

Q. Between 1854 and 1866?—A. Yes.

Q. How many would you estimate that you saw there?—A. I could not say exactly; it would be from 150 to 200.

Q. In sight of your own door?—A. Yes.

Q. All fishing for mackerel?—A. Yes.

Q. And all fishing within three miles of the shore?—A. Yes.

Q. Is this a great place for mackerel fishing?—A. Yes, some years.

Q. Did you see many American vessels there last year?—A. I was not much at home last year. I had to go to Quebec and see after the repair of a vessel, and then I went to Europe.

Q. Are they coming there this year?—A. The mackerel were coming when I left.

Q. Then I suppose that the mackerel fleet have not, as yet, come into your part of the country?—A. They had not made their appearance when I left.

Q. It is hardly early enough for them yet?—A. Yes, or the mackerel are late.

Q. They follow the mackerel up there?—A. They do.

Q. Do the Americans fish to any extent for cod, along your shore?—A. Not within the three-mile limit, because our fish are too small for them. They fish on the Banks, but if they did not come on shore for bait, they could not fish much on the Banks.

Q. What do they get for bait on your shore?—A. Herring in the spring, and caplin.

Q. You have caplin on your shore?—A. Yes.

Q. In large numbers?—A. Yes.

Q. Is it a good cod bait?—A. O, yes.

Q. They come in for them in the spring?—A. Yes.

Q. And for herring?—A. Yes.

Q. Without that they could not fish even on the Banks?—A. No; they would then have no chance.

Q. Can they use salt bait?—A. I do not know.

Q. What do your fishermen say about that?—A. They say that the Americans, when they have no fresh bait, cannot get fish among them.

Q. The Americans, having salt bait, cannot compete with your fishermen, having fresh bait?—A. No.

Q. And so they have to come in for fresh bait to your shore?—A. Yes; and sometimes they get it on the Bank.

Q. Do you allude to Bradley, Orphan, and Green Banks?—A. I refer mostly to Orphan Bank.

Q. You do not think much of Bradley or Green Bank?—A. Green Bank is to the northward.

Q. When you speak of the Bank where they get bait you mean Orphan Bank?—A. Yes.

Q. Do many of the Americans come in for bait?—A. A good many.

Q. Can you estimate how many do so in the course of the season?—A. I could not.

Q. They have come since 1871 chiefly?—A. Yes; since 1872, I think.

Q. Have they come in greater or less numbers each year?—A. Their number is about the same each year.

Q. Can you not give me an approximate number?—A. No.

Q. Do they come and fish for bait themselves, or do they buy it?—A.

I never sold any to them, but I have seen them catch it themselves, or, rather, set their nets to do so, among our fishermen.

Q. On the shore?—A. Yes. I would not sell them bait.

Q. They come in and fish for themselves?—A. Yes.

Q. Do they seine for it on the shore?—A. They do.

Q. Do they draw their seines on shore?—A. Yes. They do as we do.

Q. They land the fish on shore, and draw the seine to the shore?—A. Yes.

Q. They do not seine from their vessels?—A. O, no.

Q. And they could not, in your judgment, prosecute the cod fishery without this privilege of coming in for bait?—A. They would do very little at cod-fishing otherwise.

Q. Before the Reciprocity Treaty, did they come in and take it for themselves?—A. Of course; and largely.

Q. Did they previous to the Reciprocity Treaty come and seine on the shore?—A. A good many did; and they also then fished for mackerel within a mile of the shore. They would also watch the movements of La Canadienne, and come inshore as soon as she passed.

Q. La Canadienne was one of the cutters?—A. Yes.

Q. As soon as she passed, they would come in?—A. Yes; and fish for mackerel.

Q. In great numbers?—A. Yes.

Q. Do you know anything about the fishing on Bay Chaleurs?—A. No; I do not. I have been told that a great many vessels come and fish there for mackerel, but I never saw them. I do not go there.

Q. Of late years the mode of fishing by trawling has been introduced?—A. O, yes; and far too much.

Q. Within what time has it been introduced?—A. It is a good many years since; it was introduced by the Americans, and more recently it has been used by our boats.

Q. Your boats have been driven to the same kind of fishing?—A. They had to do so; or otherwise they could not fish.

Q. When did your boats have to commence trawl fishing?—A. About 15 years ago.

Q. Has trawl fishing increased since?—A. O, yes; and it does a great deal of harm; I think that it injures the fishery.

Q. In what way?—A. I think that they thus take more small fish than they do with the line.

Q. Do they kill other fish as well?—A. No. They take cod and mackerel, and halibut very seldom. Some Americans have themselves told me that although they trawl—this was before our boats did so—they knew that it was not a good or proper way to fish; that it had destroyed the fishing in their own waters, and that in several more years they would thus destroy the fishery in our waters.

Q. Does this statement agree with your opinion?—A. Yes; and our people would be very glad to drop this system, and they would do so if the two governments would agree on that point.

Q. Your people would be very glad to drop it if the Americans would do so?—A. Yes.

Q. Have the Americans to your knowledge been in the habit of throwing gurry or offal overboard from their vessels on the fishing grounds?—A. Yes; they do. They do not bring it on shore.

Q. What is the effect of this practice on the fishing grounds?—A. The general opinion condemns the practice; and very many say that it injures the fishing. Of course, I have not been to the bottom to see whether this is the case. They have thrown offal among our boats, and

as our boats have to fish in these places, we find that the fishing there is not so good after it is done as it was previously—so I think that it must hurt the fishing.

Q. Have you ever found any of this offal in fish caught?—A. No.

Q. You think, then, that they either do not eat it or else that it kills them?—A. That is my opinion.

Q. And it is the opinion of the majority of the fishermen in Gaspé that it is a bad practice?—A. Yes; they think that it hurts the fishing.

Q. What do the Americans themselves say about it?—A. I never asked to them respecting this point.

Q. Do you know what quantity of fish the Americans take each along your coast?—A. I could not say. The fishermen who fish themselves know.

Q. You are not yourself at all interested in the mackerel business?—A. No.

Q. The fish caught inshore are too small for the Americans?—A. Yes.

Q. They want large fish for their market?—A. Yes.

Q. What do they do with the small fish which they catch on Orphan Bank?—A. I have been told by my fishermen and others that they throw them overboard.

Q. They trawl on the Banks?—A. They have large trawls and when they catch small fish they unhook them and throw them overboard.

Q. Being caught in the trawl kills them?—A. Yes.

Q. This is the trouble with trawl-fishing, that it kills the fish?—A. Yes.

Q. And then they throw them overboard?—A. Yes; sometimes when on shore, they give them to our people in exchange for anything they may want. They say that the small fish are of no use to them.

Q. In their market?—A. Yes.

Q. And they trawl only to catch the large fish?—A. Yes.

Q. And they catch mother fish and all?—A. They do catch the mother fish; the small ones they catch they heave overboard.

Q. This is destructive to the fisheries?—A. Yes.

Q. You have no trade at all with the United States?—A. No.

Q. And none of your fishing-vessels (British vessels) go to the States at all?—A. I do not know of any that do so.

Q. Is the privilege of fishing on the American coast, obtained by the Washington Treaty, of any advantage to you? Do you know of any body who avails himself of it?—A. It is not worth a pin to us.

Q. As far as this treaty is concerned you would rather be without it?—A. Yes.

Q. Do you derive any benefit at all in your part of the country from the Washington Treaty, which permits the Americans to come and fish your waters?—A. No.

Q. Are you quite willing to give it up?—A. O, yes; we would be glad to do so.

Q. You would be glad to keep your own fishery and let the Americans look to theirs?—A. Yes.

Q. You have no trade in fact with the Americans at all?—A. No.

Q. The Americans just come in and take your fish and you obtain no corresponding advantage of which you are aware?—A. Yes.

By Mr. Dana :

Q. You are engaged only in buying and selling fish and procuring fish from other people?—A. I keep boats for fishing.

Q. You only hire men to fish?—A. Of course we hire men to do so, but the boats and the fish and everything are my own.

Q. Do you own the whole apparatus?—A. Yes.

Q. Hooks, lines, and seines?—A. The fishermen furnish the hooks and we the boats.

Q. Do you furnish all that belongs to the boat?—A. Yes.

Q. And what do you furnish that belongs to the fishing-gear?—A. The nets and the seines; the fishermen furnish the lines and the hooks.

Q. Who furnishes the trawls?—A. The fishermen.

Q. And all the hooks that are in them?—A. Yes. They buy them from us.

Q. Is it true that in Gaspé most of the boats are owned by the merchants?—A. A great many, but not all, are so owned.

Q. Are the most so owned?—A. I cannot say that this is the case; I suppose that the proportion is about half and half.

Q. Do you make your bargains directly with the fishermen?—A. Yes.

Q. They come to you themselves?—A. Yes; they come to be hired in the fall, in order to secure provisions for the winter.

Q. The hiring begins in the autumn?—A. Yes.

Q. About what time?—A. In November.

Q. And when do they begin to fish?—A. As soon as they can in the spring. It is always commenced about the same date—some time in June.

Q. Then for about six months they are doing nothing with their boats?—A. Yes; they cannot do anything in winter.

Q. They are not obliged to work for you on shore?—A. No; we have men for that purpose.

Q. Other men?—A. Yes.

Q. They make their contracts in November in order to secure credit for what they want?—A. They do so to obtain credit, and to be sure of a place in the spring.

Q. Whenever you have so engaged your men you then credit and supply them?—A. Yes.

Q. With what?—A. Provisions.

Q. For their families?—A. Yes.

Q. And themselves?—A. Yes.

Q. You so credit them on the faith that they will catch fish for you in the spring and summer?—A. Yes.

Q. What difference do you make in the prices to them from the prices you would charge if they purchased for cash?—A. We have two prices, the cash price and the trade price. For instance, if a barrel of flour costs in Quebec \$6 we will sell it for cash for \$7, and if in trade we charge \$10. While, on the other hand, as we do this year, the cash price for fish is 16s. and the trade price 20s., so it all comes to the same thing.

Q. For the article you furnish them you charge \$3 on the \$7?—A. Yes; and we make a corresponding difference in the price of the fish.

Q. That makes about 43 per cent.?—A. I do not know exactly.

Q. Suppose a man, from no fault of his own, fails to come and work for you in the spring, does his winter's account stand charged against him?—A. Of course, but it is then very hard to collect. We count it lost under such circumstances.

Q. But it remains charged against him?—A. Yes. You are making me say what profit we make on a barrel of flour, which we sell in trade for \$10, and I want you at the same time to remember that we give fish in trade 20s. and in cash only 15s.

Q. It remains on your books charged, and if such a man ever has money afterward, you would have a right to collect it?—A. Of course.

Q. Do you pay him more than the fish is worth in order to make up the difference?—A. We do sometimes.

Q. Do you agree to do so?—A. We agree to give so much a draught. We take their fish fresh from the knife.

Q. When he makes the bargain in November, you then agree how much you will give him beyond the real value of the fish?—A. No. The price given for the fish is generally settled in the spring.

Q. And is it agreed on beforehand what he is going to get for the whole season?—A. It is for the fish.

Q. Before he catches the fish?—A. The price per draught is settled. I refer to dried fish.

Q. When the man hires himself, do you then agree with him as to the price he shall receive for his fish?—A. We generally put the price we will pay at the price which has prevailed that year, and if the markets become good, we sometimes allow them more. As we did this year, we pay for the fish 11s. 6d.; when the agreement is made, it will be made at that price per draught, when the fish have been just split and before they are salted.

Q. When do you make that agreement?—A. In the fall; and then we promise that if the fish become dearer—if dried fish rise in price, we will allow him more, in proportion to the advance.

Q. What is the 11s. 6d. for?—A. For a draught of fish when split and before being salted. We give 11s. 6d. for two quintals, and it takes three quintals of green to make one quintal of dried fish.

Q. After they are split they are weighed?—A. And after they are weighed they are salted.

Q. Is 11s. 6d. the average market price?—A. Yes; of the markets all over.

Q. It is 11s. 6d. this year?—A. Yes; last year it was 13s. 6d.

Q. Who fixes that price?—A. It is generally fixed by the big firms.

Q. And they supply the price when the agreement you mention is made?—A. Yes; that is the way in which I engage my men, and I think that the rest do the same.

Q. What was the average price per quintal for dried fish, last year and during the past few years?—A. We have allowed 16s. for the small fish, and 17s. for the large fish; and in trade for the same fish 20s. and 21s. respectively.

Q. For dried fish?—A. Yes. I may say \$3.25 for the small, and \$3.40 for the large fish.

Q. Of whom do you buy the dried fish?—A. From the men who have the boats.

Q. The planters?—A. Yes; and from the men who have boats.

Q. And you pay them the market price?—A. Yes.

Q. Who fixes the market price?—A. The principal merchants.

Q. Do they fix the market price for dried fish as well?—A. Yes; they act in the same way as do grain merchants with regard to grain. If the inhabitants do not wish to take it, they bring their grain to market, and the same thing is done with us.

Q. The cash price is 16s. and 17s. How much do you give in trade?—A. 20s. and 21s.

Q. Do these planters sell to you? Do they get indebted to you, and do you give them credit, or is the business between you and them done in cash?—A. A good deal is done in cash, and some is in credit. This is like a good many trades; it is not always flourishing.

Q. Except with regard to the merchants—*they* flourish?—A. Some may say so; but it was not very flourishing last year for a good many of us.

Q. How have you found the business within the last two or three years?—A. Last year many thousands of fair dollars were lost in the business.

Q. How was it lost?—A. By bad markets.

Q. Was there a good supply of fish?—A. The fish were not over supplied, but the markets were too depressed.

Q. What brought the markets down?—A. I may say that one cargo of our fish was sold in the Mediterranean for 12s. a quintal to cover the cost for freight and expenses. From this you may judge how bad the markets were.

Q. That was an abandonment of cargo—such always go low, but you would not say that when a cargo is abandoned to pay expenses, this is a test of the market price?—A. Of course not, but generally speaking the markets are bad this year.

Q. Do you not find that the more markets there are, the better prices are?—A. The more markets the better by a good deal.

Q. Now the American market is a vast market with its forty millions of people stretching all over the continent?—A. Yes.

Q. And the American people consume a good many fish?—A. Yes.

Q. Do you not think that this tends to keep up the price?—A. No, for our fish.

Q. What is the matter with your fish; I thought they were the best in the world?—A. Our fish are the best but the Americans will not have them. They find our fish too hard for them.

Q. The fish are dried too hard?—A. Yes.

Q. But you do not adapt your fish for their market—you dry them for the European markets?—A. We dry them for hot climates.

Q. You have to dry your fish especially for that market?—A. Yes, our fish would not stand the climates, if they were not so dried. We are obliged to do it.

Q. And the Americans are accustomed to slightly salted and dried fish?—A. They salt their fish very heavily.

Q. But they do not dry them so much as you do?—A. No.

Q. You have not adapted your fish to the requirements of the American market?—A. No.

Q. Why do you not try the experiment?—A. For fear of losing much money.

Q. You have made up your mind that this treaty shall be of no benefit to you anyhow. Why do you not try to take advantage of the American market, now that it and forty millions of mouths are open to you?—A. I would if I could get you to repay me the loss I would sustain.

Q. How do you know that you would lose anything—you say that your fish are the best in the world?—A. They are too hard for the American market.

Q. Why do you not make them less hard?—A. They then would not keep. We do not salt them like the Americans.

Q. Other people prepare their fish for the American market?—A. This is not the case on our coast.

Q. But they do in other places?—A. I do not know of any place where this is done.

Q. Where do the Americans in the Valley of the Mississippi, &c., prepare their fish?—A. They fish for themselves.

Q. They do not find cod and mackerel in the Mississippi and Ohio and Missouri Rivers, do they?—A. I could not say.

Q. Have you made any inquiries in this relation?—A. No.

Q. Do you think you have acted prudently in coming here and saying that this treaty and the American market are of no use to you, when you not only have made no attempt to take advantage of this market, but also have made no inquiry about it?—A. I made inquiry about the price our fish would bring there, because our fish are very good and command a good price, and I was told that this was not the kind of fish the Americans wanted.

Q. Did you think the reason why you could not get a good price for your fish there was because they could catch cod and mackerel in the Mississippi and Missouri Rivers?—A. No.

Q. Did you not know perfectly well, that they could not catch cod and mackerel, haddock and hake in these rivers to the westward, where none other than fresh-water fish are taken?—A. Yes.

Q. That being the case, why have you not tried to prepare your fish in such a way as to make them suitable for the American market?—A. It would be too risky.

Q. You have made up your mind that you will not do it?—A. We have not tried it.

Q. You have a hold on the European and West Indian markets?—A. Yes; and on the Brazilian market.

Q. And you have houses there with whom you correspond, and you understand that business?—A. If we thought that we could make a profit by selling our fish in the States, we would go to work and do so; but we would not make any money at it.

Q. And you have not tried to do so?—A. No. I have been told that no person made the experiment once, and lost money.

Q. What did he send there?—A. Dried codfish.

Q. Dried in your way?—A. Yes. I am not saying whether the report true or not.

Q. Did you ever know of an attempt being made here to send to the United States any fish dried in the way in which the Americans dry them for the American market?—A. Yes, I am told that it was done, and that money was lost at it.

Q. Have you ever known of an instance of a person in the Dominion who has tried to dry his fish and prepare them for the American market in the way in which they are prepared by the Americans themselves?—A. I do not know the way in which they dry the fish.

Q. The American fish are less dried than yours?—A. I cannot say. I never saw their fish after they were cured.

Q. Did you ever know of a case in the Dominion who tried to prepare fish in the way in which it is said they prepare them, in being less dried, for the American market?—A. No; I never heard of any such case.

Q. What were the best fishing spots in the Gaspé district—say in 1871 and 1872—for codfish?—A. I do not recollect. We consider the fishing places good from Saint Peters to Newport.

Q. And at Saint Anne and Point des Monts?—A. There is good fishing there.

Q. And also at Cape Chatte?—A. Yes.

Q. These fishing grounds utterly failed a year or two afterwards?—A. They are not the same every year. Sometimes they are very good; and at other times the catch may not be quite so great.

Q. To what do you attribute that?—A. I suppose that the fishing depends on the course which the fish take.

Q. The fish will not go to Gaspé sometimes?—A. Sometimes they will not go to one place but to another.

Q. You have known cases where bait, which has been abundant one year in one place, has altogether failed there the year following?—A. During the 50 years I have been there I have not seen much difference in the supply of bait. There is just as much now as there was some 50 years ago, except with regard to mackerel, when the Americans come and drag it from us. Formerly they did not do so, and then mackerel were a little more plentiful; as for herring and other bait, they are just about as abundant as they were 40 or 50 years ago.

Q. The Commissioner of Fisheries in his report for 1874, says that "bait which has been abundant at Perce, until August, failed all at once, and with the want of bait the fish disappeared." Do you remember that?—A. Well, no; this is on account of not having mackerel on the coast. They used to bait in August with mackerel.

Q. Are they abundant up to a certain time, and then do they all at once disappear utterly. Does that happen sometimes?—A. Yes.

Q. That cannot be owing to the fish; it is the bait which is in fault?—A. I think that the quantity of fish on the coast is about the same every year.

Q. Notwithstanding seining and trawling?—A. Bad weather and shortness of bait makes a difference.

Q. And sometimes the bait do disappear unaccountably?—A. Yes, owing to the bad weather.

Q. And nothing more?—A. It is due to the bad weather very commonly.

Q. Your coast and district of Gaspé used to be famous for mackerel?—A. Yes.

Q. Have there not been none to speak of there for some years?—A. They have not been there in their usual numbers; but I think they come there in abundance yet. They do not, however, stop very long on the coast.

Q. How long do they stay?—A. As long as the Americans do not take them from us.

Q. What did you mean when you said that they did not stay long on your coast?—A. That the Americans follow the schools.

Q. Which go ahead, the vessels or the fish?—A. The latter.

Q. During what years were the mackerel most scarce on your coast?—A. I could not say.

Q. Were they not scarce during the years 1874, 1875, and 1876?—A. I could not say.

Q. Were not those scarce years?—A. I have not stopped at home much during the past few years, during the mackerel season.

Q. Is it not true that very few American vessels were on the coast during these years, when the mackerel were scarce?—A. Of course, if the mackerel do not come the Americans cannot follow them.

Q. If a few Americans come and find that there are few fish, it gets known to the whole fleet pretty soon, does it not?—A. They well know where the mackerel are.

Q. And they do not come if the mackerel are few in number?—A. If there are no mackerel they will not come.

Q. A scarcity of the fish causes a scarcity of Americans?—A. Yes.

Q. And when the fish come in numbers they come?—A. Yes, and take them from us; and they fish within the three-mile limit, too.

Q. Is the halibut fishery carried on about your shores?—A. Not to speak of at my place.

Q. And not by your vessels?—A. No.

Q. But it is carried on by United States vessels all the way up?—A. I am told that they catch a good many up the River St. Lawrence along the shore; but we see very few of them down our way. We used to see them more plentifully than we do now. During the past few years we have seen very few of them.

Q. The writer of the fisheries report for 1875 says, "halibut is found in great abundance along the whole north coast." Is that true?—A. That is what I say.

Q. "And at Natashquan and Godbont as well as around Anticosti Island. It would undoubtedly be equally met with on the coasts of Capé, but nobody there fishes for it"?—A. I do not think they are very plentiful there now.

Q. A gentleman from your neighborhood came here a few days ago, and this question was put to him:

Q. Are many halibut taken, or have there been many caught, if the catch has increased?—A. Such immense quantities have been caught, that vessels used to take as much as 30,000 and 40,000 pounds of this fish to the New York market at one time. I have seen numbers of vessels reported as having taken such a cargo.

Does that agree with your memory?—A. Did he say where they caught the halibut? A good many are taken on the north shore, and it is there where I understand most of the halibut are caught. I am told that immense quantities are taken there, as many as the fishermen wish to catch, but I was never there myself.

Q. So you know that this fish is very rare on your part of the coast?—A. They are very few near my place.

Q. Is it not true that petitions have been sent in by the fishermen to the legislature or fishery commissioners, or both, to have seining stopped?—A. It is not so, to my knowledge.

Q. As to the coast of Labrador, the commissioners say:

That, after careful investigation, it appears to us that the main cause of the injury may be removed without abolishing fishing by seines.

What do you know about this?—A. I have heard some talk about trying to abolish the use of seines, but I do not know whether such an attempt has been made.

Q. They recommend some regulations as to seining so as to prevent interfering with the catch of the boats, but they do not agree that it is injurious and destructive with regard to the fisheries. Have you yourself made any inquiries concerning this matter?—A. No.

Q. And you yourself have not fished?—A. No.

Q. Have you read any reports, British or Canadian, or anything on the subject?—A. I do not remember having done so.

Q. Do you buy fish of the Americans who go in there with the fish?—A. No.

Q. Do they ever come to your coast and land and transship their fish?—A. I have seen them land small fish.

Q. But not everything?—A. No.

Q. Do they ever exchange small fish on your shore for anything they may require?—A. Yes.

Q. The substance of what you have to say is this: That the mackerel fishing on your coast has very largely fallen off, and, it might be said, that two or three years ago they almost disappeared?—A. Two years ago this summer they were as plentiful as I ever saw them to be.

Q. Were they caught?—A. They did not stay very long.

Q. They were off very soon?—A. Yes.

Q. It is true that the catch of mackerel off your shores for a few years past has been reduced to almost nothing, is it not?—A. I say that two years ago there was a very good year; it was as good as I ever saw. My people told me that from 40 to 50 barrels were taken in one haul of the seine, and that, if sufficiently provided, they could have seined 50 barrels at a time. The fish were very plentiful, but last year they were very scarce. When I left home they were only coming in, and so I do not know how it is this year.

Q. Were they not very scarce three years ago?—A. I do not know, but they were not very plentiful last year.

Q. Then you say that there are not many halibut caught there?—A. Yes, as regards my neighborhood that is true.

Q. Or within three miles of the shore?—A. No.

Q. And you say that the Americans who fish for cod, fish on the Banks?—A. They do, most of the time.

Q. In the deep sea?—A. They have to come on shore for bait.

Q. They go ashore for fresh bait. Who sells them the bait?—A. I do not know. I never sold it, but some have. They will set their nets for it.

Q. But if they can get it without catching it; time is important to them. They will buy it if they can, will they not?—A. They will buy it.

Q. Have your people gone much into that trade of selling bait to the Americans?—A. No, they keep their bait for themselves.

Q. They haven't more than they need?—A. Sometimes.

Q. Your fish are dried specially for certain markets that you have had a great control over, and where they yield the highest returns, and you have not tried to adapt yourselves to this new open market of the United States?—A. No, sir.

By Mr. Thomson:

Q. You say, or rather Mr. Dana says for you, that you haven't tried to adapt yourselves?

(Mr. Dana objects to its being said that he made the statement for the witness, and claims the right in cross-examination to put questions in the form used.)

A. I haven't tried; but I have been told by the Americans that our fish are too dry.

By Mr. Dana:

Q. You said you had never tried it?—A. I said we could not.

By Mr. Thomson:

Q. You do not mean the Commission to understand that you think there is a market in the United States, but that you won't try to adapt yourselves to it?—A. How is that?

Q. You didn't mean the Commission to understand that you believe there is a market for your fish; but you don't intend to try to adapt yourselves to it?—A. No; by what I have been told by the Americans it would be a loss to us. They have said to me, "your fish are too dry they would not sell with us."

Q. Therefore you decline, if I understand aright, to furnish cheap fish to these forty millions of whom Mr. Dana speaks? You do not think any part of your business to furnish cheap fish to the Americans at your own expense?—A. No.

Q. And that is the reason why you do not go into the trade, is it not?—A. Yes.

Q. You have got markets elsewhere; in the West Indies, Brazil, and other places?—A. Yes.

Q. You have made inquiries of the Americans, and they say you could not avail yourselves of their market?—A. They have told me several times that we were drying our fish too much, and that they could not sell there.

Q. In reference to that trade, there is no determination on the part of yourself or of any of your people not to trade? You would be willing enough if you could make money by it?—A. We would be very glad.

Q. You could easily find agents in the United States if you would pay them?—A. Yes; we would be very glad to trade if it would pay.

Q. In reference to those small fish that the Americans bring ashore, they would have to throw them over otherwise?—A. Yes, they told me so themselves.

Q. Therefore the privilege of the market is theirs?—A. Yes.

Q. That is a privilege which the Americans have, and it is no privilege to your people?—A. No.

Q. It is to the Americans?—A. Yes.

Q. Now, were the mackerel two years ago as plenty as ever you saw them?—A. They were plenty.

Q. You have been asked with reference to the cod-fishing from Pointe à Chatte or Cape Chatte down to Cape Gaspé, I think. Do you say that it has fallen off of late years?—A. No; there is more caught than there was forty years ago.

Q. All within three miles?—A. Yes, except one-tenth that are caught on the Banks.

Q. That is off Gaspé?—A. Yes.

Q. But Cape de Chatte is along the bank of the river?—A. Yes. I don't think they have any Banks there to go fishing on.

Q. And there is no fishing out in the river beyond three miles?—A. It is too deep.

Q. You say the fishing is as good there now as it was forty years ago?—A. There is more fish caught.

Q. Has not the halibut been fished out?—A. It has never been a very good place, my place, for the halibut.

Q. That was more upon the north shore?—A. Yes.

Q. About Seven Islands and up there?—A. Yes.

Q. And north of Anticosti?—A. Yes.

Q. Have you ever heard from your own agents in the West Indies, or your other markets, whether the Americans have competed there with you?—A. I have never inquired.

Q. And you say that your bait is as plenty as it was twenty years ago, with the exception of the mackerel which the Americans coaxed?—A. Yes.

Q. And your people want all the bait that is there?—A. Yes; some say they will have more than they want, but another day they will be sorry. They could keep it a few days.

Q. Do I understand you that the bait the Americans take away is a dead loss?—A. It is a dead loss to us, of course.

Q. You put it down at a loss of one-quarter of your catch?—A. I say that we would catch one-quarter more fish than we do if the bait was not interfered with.

Q. You were examined in reference to the price you pay the fishermen

in money or produce for their catch. You buy a barrel of flour for \$6 and sell it for \$7 in cash, where if you sold it for fish you would charge \$10?—A. Yes.

Q. But if I understand you, you allow a corresponding increase in the price of the fish?—A. I said that the flour we would sell at \$7 would be for fish at 16 shillings. Selling it for \$10 in trade would be for fish at 20 shillings.

Q. Didn't you make use of the expression that it would be the same thing?—A. It comes to the same thing.

By Mr. Dana :

Q. But credit is one thing and paying by way of trade is another, is it not?—A. Yes.

Q. They pay you those debts in trade, don't they?—A. Yes.

Q. In fish?—A. Yes.

Q. Well, when they pay in fish you allow them less than if they paid in cash?—A. Yes.

Q. I think you said to us 25 per cent. was the difference?—A. Yes.

Q. That is the difference between cash and fish?—A. Yes.

Q. The price which they are to get for their fish is arranged by the great houses six months beforehand?—A. Yes. That is not for dried fish.

Q. No ; I know that is another class of men, the planters. But the price you charge them on credit remains on your books and has to be paid?—A. Yes; that has to be paid.

By Sir Alexander Galt :

Q. You give credit in the fall of the year, and when that debt is paid to you, do you credit the amount to those parties at the cash price of the fish, or at the credit price?—A. The credit price—we allow them 20 shillings.

By Mr. Thomson :

Q. Whereas if you gave them cash, you would only give them 16 shillings?—A. It would be 16 shillings instead of 20.

By Mr. Foster :

Q. I would like to ask you whether your fishermen ever sold fish to the Americans?—A. No, not to my knowledge.

Q. Or to anybody except the Jersey houses, as they are called?—A. Well, not to my knowledge.

Q. Your house is one of those called Jersey houses?—A. I suppose so. I have been twenty years without returning.

Q. Well, in speaking of the Jersey houses, that would include yours?—A. I don't know ; I think I have been so long in the country that they call me a Canadian now.

No. 33.

JAMES BAKER, of Cape Cove, in the district of Gaspé, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. You live at Cape Cove—that is in the district of Gaspé?—A. Answer. Yes.

Q. That is along the coast between Cape Gaspé and Bay Chaleur somewhere?—A. Yes.

Q. How many years have you been acquainted with the fisheries?

that coast?—A. I was born and brought up there, and I am 39 years of age.

Q. Well, since you have grown up, have you been acquainted with those fisheries?—A. Yes; from 1855 to 1866 I was a practical fisherman.

Q. And since 1866?—A. I have been trading.

Q. In fish?—A. Yes.

Q. And carrying on fishing by boats, haven't you?—A. Yes.

Q. You have boats of your own?—A. Yes.

Q. What branch of the fishing do you chiefly pursue?—A. The cod-fishing.

Q. How many boats have you of your own?—A. Seven of my own.

Q. What size are those boats?—A. From 24 to 26 feet in length, and from 8 to 9 feet beam.

Q. How many men to a boat?—A. There are two men to each boat.

Q. These boats are engaged in the cod fishery?—A. Yes.

Q. At what time of the year?—A. From May to October—the latter part of October; sometimes in November.

Q. What would be the average catch of those boats? You say you are 7.—A. Of my own boats, 150 quintals per season.

Q. Do you mean of green or dried fish?—A. Dried cod.

Q. How many green?—A. 336 pounds of green fish would make only 12 pounds of dry fish.

Q. Then it would take 450 quintals of green fish to make 150 quintals of dry fish; that would be correct?—A. That would be correct.

Q. Now tell the Commission where these fish are taken—how far from the shore? Is it inshore fishing?—A. The principal part is inshore; inside of three miles from the land.

Q. Do you fish outside, too?—A. Yes; on Miscou Bank. That is, after the spring inshore fishing is done.

Q. What proportion of your codfish would be taken outside, and what proportion in?—A. That is of my own boats?

Q. Yes; if there is any difference between that and the general average I will ask you about it afterwards.—A. I think my own boats would take about two-thirds inside and one-third outside on Miscou Bank.

Q. Will you distinguish between your own and other boats? Where do the other boats take their catch?—A. The principal part of our boats take about three-fourths, or more than that, inshore.

Q. They take more than three-fourths inshore?—A. Yes.

Q. Well, do the Americans have any cod-fishing vessels?—A. Yes; I have seen, during my experience as a fisherman, as many as 40 schooners on Miscou Bank fishing.

Q. That is directly off your own coast?—A. That is about 20 miles

Q. A small Bank, is it not?—A. No; a very large Bank.

Q. What size do you suppose it is?—A. It runs about 50 miles east and west.

Q. What would be the average number of American schooners occupied with Bank fishing alone?—A. I have seen as many as 40 schooners during my experience fishing on that Bank.

Q. How do they fish?—A. Principally with trawls.

Q. Where do they get bait?—A. Well, they bring some salt bait with them to the Banks, but they principally get it in around our shores.

Q. Do you say that these American cod-fishers that fish off Miscou Bank bring some bait, and that they fish with trawls?—A. Yes.

Q. Do they require fresh bait, or can they use salt bait with the trawls?—A. They require fresh bait.

Q. Where do they get their fresh bait?—A. They come in along our shores, at different places.

Q. Now, I want to know, do they catch this bait for themselves or do they buy it?—A. They principally catch it for themselves.

Q. Along your shores?—A. Yes; close inshore.

Q. What kind of bait do they catch?—A. Herring, squid, and mackerel, and caplin as well.

Q. They catch this bait for themselves, within three miles?—A. O, yes.

Q. Close in?—A. Some within half a mile, in many of the coves.

Q. Do they purchase much bait there too?—A. I have known them purchase some; not a great quantity.

Q. They generally catch for themselves?—A. Yes.

Q. Well, how did they manage to get bait the year the cutters were watching the coast?—A. They used to come in when the cutters were not there and take their bait and go away.

Q. They would catch out of view of the cutters?—A. Yes, whenever the cutters went out.

Q. Suppose they were not allowed to take bait, how could they carry on the cod fishery?—A. I do not see how they could carry it on profitably. They could not carry it on profitably if prevented from coming inshore for bait.

Q. Do you mean to say that it is absolutely essential to them to get this bait in order to carry it on?—A. I do.

Q. Can you give the Commission an idea of the total number of the codfish fleet engaged in the Gulf of St. Lawrence; you cannot see them all at one time, of course?—A. I should say 300 or 400. I have heard that there were as many as 200 at one time at one port on the north shore.

Q. You have known as many as 200 at one time at one port?—A. Yes, cod fishing.

Q. What do you call the north shore?—A. The north shore of the river St. Lawrence.

Q. Is the cod fishery pursued by the American fleet on that north shore?—A. Yes.

Q. To any extent?—A. They come there with schooners and go along the shore about there.

Q. On your shore where do they take the codfish, with reference to the land?—A. Half a mile from the shore, and less.

Q. Do they take any codfish beyond 3 miles from the land on the north shore?—A. Not that I am aware of; there are no banks along the river St. Lawrence.

Q. Then they are all taken within the limits on the north shore?—A. Yes.

Q. What would be the average catch of one of those American cod fishing vessels? Take the average for the season; we want to get some average if we can.—A. It depends a good deal upon the schooner. But you want an average. That will depend upon different circumstances; I should say about 700 quintals of codfish.

Q. Dry or green?—A. Dry.

Q. Do you think that would be a fair average?—A. I think so. Some of the cod-fishermen make two trips. They go down the north shore early in the spring; then they come back on our Banks later in the summer.

Q. Taking those that make two trips together with the rest you average it at 700 quintals of dry cod?—A. Yes.

- Q. Of course, in a green state it is very much more ?—A. Yes.
- Q. What extent of coast have you intimate knowledge of along there ?
- A. About 45 miles.
- Q. Between what points ?—A. Between Perce and Point Macquereau. may not be quite correct about the distance.
- Q. Is that near Gaspé ?—A. No ; that would be 40 miles from Gaspé Basin. Perce is about 40 miles from Gaspé Basin.
- Q. Taking that catch you have named, how many boats are there engaged in the cod-fishery ?—A. I have been making a calculation from Point St. Peter's—that is 12 miles more to the eastward—to Paspébiac, and I should say there are something like 1,100 boats belonging to the coast.
- Q. That would be about 55 miles off coast ?—A. Yes.
- Q. And there would be about 1,100 boats ?—A. Yes.
- Q. Each manned by two men ?—A. Yes.
- Q. They catch within 3 miles of the coast ?—A. Yes, principally within.
- Q. Has the presence of the American fishermen, when they come in to take bait, an injurious effect upon the boat-fishing ?—A. Very often they have. They anchor into the moorings where the fishermen put their nets ; consequently, they can't set out their nets. That very often happens.
- Q. I refer chiefly to their effect in the catching of bait. I understand you to say the American fishermen come in and catch bait along your shores ; does that interfere with you ?—A. Certainly, it takes a considerable quantity of bait away from us.
- Q. Does it create any difficulty in your getting bait ?—A. Well, very often.
- Q. You have plenty ?—A. Yes ; in the herring season and squid season it is very plenty.
- Q. As a general rule, have you sufficient bait along the coast ?—A. Occasionally it slacks off.
- Q. To any material extent ?—A. Not any ; sometimes for a week or so and then it comes in again. I believe it depends principally upon the weather. When the weather is very warm it sinks to the bottom ; when the wind blows a little off shore it rises.
- Q. Taking the fishing season all round, you have a plentiful supply ?—A. We have a fair supply, generally speaking.
- Q. Now about the mackerel ; you do not prosecute the mackerel fishery there to any very large extent ?—A. Nothing more than for bait. The fishermen take them for bait for the cod-fishery.
- Q. Taking the range of coast from Cape Chatte, on the south side of the river Saint Lawrence, around to and including the Bay Chaleurs, how far from the shore do the mackerel keep ? That is, on the south shore of Saint Lawrence, from Cape Chatte to Cape Gaspé, take first.—A. I do not understand you.
- Q. I ask how far from the shore the mackerel are ?—A. They follow along the shore, because there is no fish remains in the bed of the river. The current is too strong.
- Q. Then from Cape Gaspé to Bay Chaleurs, and including Bay Chaleurs, they generally keep within the three-mile limit ?—A. They keep within the bays and shores. They come right into the shore, in great numbers of them, schooling along the shore. They keep close into the shore.
- Q. Do the American mackerelers visit your coast in any large num-

bers?—A. Yes; I have seen the whole shore dotted with American schooners, as many as 200 schooners at one time along our shore.

Q. Taking the period when the Reciprocity Treaty was in force, when they had liberty to fish along the coasts, how many vessels frequented your coast—I am speaking of from Cape Gaspé to Bay Chaleurs, including Bay Chaleurs?—A. Well, of course, when I say that great numbers came, I mean that some days there would not be so many as others. One day there would be from 100 to 200, and the other day they might disappear and move away. I should say the average would be 300 or 400 of the fleet.

Q. That is the number that frequented this coast?—A. Yes.

Q. Do you know anything about the coast of Prince Edward Island or Cape Breton?—A. No.

Q. You are just speaking of that particular locality?—A. Yes.

Q. Well, after the Reciprocity Treaty expired, and the cutters came along, did the Americans continue to frequent the coast as much as before?—A. Not quite so much.

Q. But did they frequent the coast, although they fell off somewhat?—A. Yes.

Q. Within what distance did this American fleet get mackerel at that time?—A. They would get them along the shore as usual. They would run in when the cutters would not be there.

Q. How far from the shore would they get them?—A. It depends upon the cove they were in. Sometimes they would get them half a mile off, and sometimes from one and a half miles to two miles.

Q. Would they catch them outside of three miles?—A. Sometimes they would.

Q. What proportion? Have you conversed much with those Americans?—A. During the time I fished, I mixed a great deal with them and conversed a great deal with them.

Q. You were aboard their schooners a great deal?—A. Yes; I was very frequently on board.

Q. And you talked the whole fishery question over?—A. Yes; very often.

Q. You saw their catches?—A. Yes; I saw them taking the mackerel.

Q. From the information you got from them and the experience you have yourself, and from what you saw, what proportion of their catches would you say was taken within three miles? Is it all taken?—A. I fully believe the principal part is taken inside.

Q. That leaves it undefined. Give us an idea of the proportions.—A. I would say three-fourths was taken inside.

Q. The Banks Oliphant and Bradley are situated off that coast; they are fishing-grounds?—A. Yes; they used to catch some there, but not in rough weather. In rough weather they would be obliged to come in.

Q. You put the proportion at three-fourths inside?—A. Yes.

Q. You have had a great number of years' experience?—A. Yes, eleven years.

Q. You were then in constant intercourse with the Americans?—A. Yes.

Q. Did you talk upon this very question of where the fish were taken?—A. Yes.

Q. Did they say that proportion was caught inside?—A. They admitted themselves, even when the cutters were on the coast, as long as they could get a few acres ahead of the cutter, they didn't care where they were.

Q. Why not?—A. They could get away or sail around.

Q. If I understand your evidence, it is that from Cape Chatte to Cape Gaspé all the fish is taken within three miles, and that from Cape Gaspé down, and including Bay Chaleurs, three-fourths are taken inside?—A. Yes.

Q. What time of the year do the mackerel come along?—A. About the beginning of July.

Q. When do they leave?—A. I would say the latter part of September.

Q. That is three months they are on the coast?—A. Yes; and in October I have seen lots of mackerel on the coast, even then; that is three and a half months, depending upon the season a good deal.

Q. Then from your experience during this number of years, from what you saw when you visited the American vessels and from what you heard from the Americans themselves, at what would you place the average catch?—A. It greatly depends; some seem to be very successful where others are very unsuccessful.

Q. What is "very successful"?—A. Well, some get as much as 1,200 barrels in the season. They make two or three trips. Others are two or three months out, and get no more than 200 to 250 barrels.

Q. Are you able to give us a fair approximate estimate of the catch of the Americans during these years—the catch per season?—A. To the best of my judgment I think about 700 per schooner would be a fair average.

Q. Suppose they were prevented from fishing within three miles, would they be unable to prosecute the mackerel fishing with any success at all?—A. I think they would not be able to.

Q. Do you think they would attempt it?—A. They might, but they would not succeed. They would not come back.

Q. Now, go back to the codfish for a moment. Where do you sell your fish—that is, the fish taken by your seven boats?—A. I generally sell my fish to the exporters—those merchants who export—that is, the principal part of my fish. A part, secured in the fall, we send away to Quebec or Montreal.

Q. Where do these large exporters send them?—A. They send to Brazil and Mediterranean ports, the West Indies, Portugal, and all those places.

Q. Do they send any to the United States?—A. I have known a couple of cargoes to be sent there late in the fall. That was prepared for the Canadian markets, and it was too late to send them. They went to Boston and proved a failure.

Q. What proved a failure?—A. The experiment proved a failure. The price they got did not pay to continue it.

Q. So that the trade runs in the channels you have mentioned?—A. Yes.

Q. You don't send to the United States because it does not pay?—A. No.

Q. Then you don't make a great deal out of this free American market?—A. No; it is no advantage to us.

Q. Do your foreign markets pay pretty well?—A. Yes; they pay very well.

Q. What do you pay the fishermen actually engaged in fishing per quintal for his fish?—A. That depends a great deal upon the season.

Q. Give us a rough idea, taking any season.—A. 13s. 6d. a draught.

Q. What is the price this year?—A. 11s. 6d. this year. Last year it was 15s.

Q. The average is what?—A. I would put the average at 13s. 6d. That is our trade-price.

Q. Do you now send any of your vessels down to fish on the American coast?—A. No. It would not pay us to send vessels there—to send them away from our own grounds.

Q. I think I understood you to say and to be quite emphatic upon the point that unless they could fish for this fresh bait along your shore they could not carry on the codfishery.—A. Not successfully, not to any advantage.

Q. What would they have to fish with? Can they trawl with salt bait?—A. They could do nothing—no.

Q. And, as a matter of fact, are the Commission to understand from you that they take large quantities of bait along your shores?—A. Yes, at times.

Q. How do they catch that? In seines?—A. They come and set their nets for herring, they jig for squid, and they bob for mackerel.

Q. They bob for mackerel, and jig for squid, and set their nets for herring?—A. Yes.

By Mr. Foster:

Q. Your people have never been in the habit of catching mackerel for market, but only for bait?—A. Only for bait.

Q. When was that year when you saw as many as 200 American vessels at one time?—A. I am not able to give the exact year.

Q. Give us as near as you can.—A. I think it was 1856.

Q. What years were they when there was an average of 300 or 400 that frequented your coasts?—A. I think from 1855 to 1866.

Q. When did the number begin to fall off?—A. It appears to me the number began falling off then. I remained on shore after that, and did not observe them as much perhaps.

Q. You ceased to be a fisherman in 1866?—A. Yes.

Q. There was then a considerable number, but not so many as in former years?—A. No.

Q. Has your observation, although you have not been a fisherman, been sufficient to enable you to say that the number has very much fallen off within the last seven or eight years?—A. Yes; I say it has fallen off considerably.

Q. Well, you say considerably; has it not fallen off from 200 or 300 down to 50?—A. Not so much as that.

Q. Do you think there were 50 American mackerel-catchers on your shore last year?—A. I think so; yes.

Q. I would like to have you estimate the number that you think was there in 1876?—A. Of course that is including the whole shore?

Q. All you know of personally; all that are within those places where you have said there were 300 or 400.—A. I have not seen them in great numbers around my own place as I used to see them; but I should say from information collected from others, that there would be at least from 75 to 100 along the shore last year.

Q. Do you think so?—A. I think so.

Q. Year before last?—A. There was about the same, I think.

Q. Take 1874, the year before that.—A. I should think there would be more.

Q. How many were there in 1874, do you think?—A. Perhaps there would be as high as 200.

Q. 1873?—A. Well, I don't really know.

Q. Well, I won't trouble you any more. You have given us now the

results of your own observation and information derived from others. Suppose you were asked how many American mackerel vessels you saw last year, what would you say?—A. We see them very often when we can't tell whether it is the same vessel we have seen before or not.

Q. You might see the same vessel a dozen times?—A. Yes.

Q. Don't they usually come in a fleet, and keep together pretty well?—A. Formerly they used to.

Q. Don't they now?—A. No; not in the same way.

Q. The fleet is broken up?—A. Yes.

Q. What years were these, during which you think the average catch was 700 barrels?—A. I should say during the 11 years I had experience among them.

Q. Down to 1866?—A. Yes.

Q. Don't you know from such observation as you have made, and from information you have had, that the average has been smaller than that of late years?—A. I have not had the same chance of conversing with the Americans since that.

Q. Then you would not, perhaps, like to hazard an opinion as to late years?—A. No.

Q. It was, when you knew it, an uncertain business? A lucky vessel could get 1,200 barrels, and an unlucky one only 200 or 300 in the course of the same season?—A. Yes.

Q. To what extent do your people catch mackerel for bait for the codfishery?—A. That depends principally upon what other bait they have. When they have plenty of herring they do not try much for mackerel. Herring is better. The herring, squid, and caplin are the chief bait. It is only when those are scarce and the mackerel are plentiful that they catch them for bait.

Q. They don't use a great many mackerel for codfish bait, do they?—A. Considerable.

Q. Well, give us some idea of what you mean by "considerable."—A. Well, it depends—some fishermen may catch 60 or 80 mackerel and then use that up catching codfish.

Q. How many do you think, in an average season, one of your boats, with two men, would use for bait, besides their more favored bait?—A. It would be pretty hard to estimate the number of mackerel. It depends principally upon what other bait they have.

Q. I know it is hard, but you say "a considerable" is used, and as it does not convey any kind of an idea at all I wish you to say as well as you can.—A. Well, when they have no other bait—

Q. Do you think it would average a barrel of mackerel?—A. O, my, no. Five or six to ten barrels, some of them.

Q. What do you think would be the average?—A. Five or six would be the average.

Q. At what time do they use this?—A. Principally in the months of July and August they take the mackerel for bait.

Q. You begin with herring?—A. Yes; we commence with herring, and caplin.

Q. Do the herring come in good abundance?—A. There is no trouble. I have never known any scarcity of herring bait for any length of time. Occasionally the bait gets scarce. As I have said, in warm weather it settles down to the bottom.

Q. As a rule, the herring bait would be abundant?—A. Yes.

Q. How do you get the herring?—A. In nets.

Q. How is it with squid?—A. We get that generally about the 1st of August.

Q. How long does it last?—A. It is the last fish. It lasts until the latter part of October.

Q. Do they use squid altogether fresh?—A. Yes.

Q. They don't salt it?—A. No; they take it as they require.

Q. You spoke of the necessity of having fresh bait; does not that squid salted make a good bait?—A. It is very poor.

Q. The squid, you say, lasts until the end of the fishing season?—A. Yes.

Q. Now, I would like to know a little more about the course of your own codfish business. You have seven boats, each of which has two men, and makes an average catch, you say, of 150 quintals of dry fish?—A. Yes.

Q. Those 150 quintals of fish sell for \$3.40 a quintal?—A. Dried! It sold for a great deal more.

Q. What does it sell for?—A. It depends of course—

Q. Give me this year's prices.—A. It is 16 shillings this year; last year it was 20 shillings.

Q. I gave you the right price for this year then?—A. Yes.

Q. Last year it was 20 shillings?—A. Yes.

Q. You say you sell to the exporters; you mean to the Jersey houses, I suppose?—A. To Robins, Savage, and that class; to the one that gives me the highest price.

Q. Last year, was that an unlucky year for them, so that they lost money on the fish they bought from you?—A. Some of them say so.

Q. Don't you believe it?—A. I do to a certain extent. Their markets were very bad last year. Year before last the markets were very good; but last year they were very bad.

Q. What was the trouble? Was the market overstocked?—A. I believe it was.

Q. And you can't tell what it is going to be this year, I suppose?—A. It is pretty hard to say.

Q. But this year the price is \$3.40 a quintal?—A. Yes.

Q. And each man you employ will catch 75 quintals, or 150 quintals to a boat. How do you pay them?—A. So much a draught.

Q. How much a quintal do you pay them for dried fish?—A. I pay them the price you mention, 20s. a quintal in trade and 16s. in cash.

Q. Do you pay them the same price you get?—A. Of course, that is a matter of business.

Q. And you only get \$3.40 this year?—A. I expect to get more than that. That is the price I pay my men.

Q. Then the price paid by Savage to you is not the price which the planters, as they call them, who own the boats, pay to the poor fishermen?—A. O, of course, those that are independent and can hold their fish up will do so to take advantage of good markets.

Q. The men get from you \$3.40?—A. Yes; that is, they get \$3.20 and 16s. cash.

Q. Is there anything charged to them for the boat?—A. Not with mine.

Q. You furnish the boat, what else?—A. The rigging.

Q. The hooks and lines?—A. No, they find them themselves, and they find the nets.

Q. You give them the boat and rigging and take all their catch and pay them \$3.20?—A. Yes; that is, I take them from them green. I give them 11s. 6d. a draught trade price.

Q. And you do the labor?—A. Yes. 11s. 6d. is the trade price, when a man has it coming to him I deduct one-fifth.

- Q. You keep a store yourself?—A. Yes.
- Q. Do they generally keep in debt to you?—A. I try to keep them out of debt.
- Q. Are they most indebted to you through the winter?—A. In the winter they are obliged to get advances.
- Q. What else do they do besides catch fish for you. What other mode of living have they?—A. We generally employ them at farming.
- Q. When?—A. When they have time and wish to work.
- Q. They cannot earn money working on a farm in winter?—A. Well, they can cut wood and haul it.
- Q. They fish from May to November. What do they do from November to May?—A. They cut wood and saw boards.
- Q. Do your men work for you, too?—A. Yes, we genenerally employ our own men.
- Q. How do you pay them?—A. In produce.
- Q. How much do you pay them?—A. According as they work.
- Q. Do you pay them by the quantity they cut?—A. Yes; fifty cents a cord generally for wood, cut to two and a half feet length. Some make \$1 a day and some 7s. 6d.
- Q. How many cuts have they to make? It is not cutting trees?—A. No; I mean cutting wood into lengths of two and a half feet.
- Q. Taking the tree as it falls and cutting it into lengths of two and a half feet?—A. Yes.
- Q. Are there many that can earn \$1.50 a day through the winter?—A. It depends upon the man. There are not a great many can do as much as that. There are more that will cut only one cord.
- Q. They would not average much over one cord?—A. No; one or one and a half.
- Q. The average would be 75 cents?—A. Yes.
- Q. They would get about \$2.50 in summer, would they not?—A. Some of them earn that much in the summer time.
- Q. Has there not been considerable complaint of the monopoly of these Jersey merchants controlling prices, so that the fishermen don't have a fair chance?—A. There has been some complaint, but it depends principally upon the fishermen themselves.
- Q. There are complaints by the fishermen?—A. Yes; but it depends upon themselves principally. Some of them depend too much on the credit system. So long as they can get credit they are satisfied, but when it comes to paying they are not so well satisfied then.
- Q. So they have complained a good deal?—A. Yes.
- Q. Away back for a series of years?—A. Yes.
- Q. The complaint has been that these poor fishermen are in vassalage to the great fishing houses?—A. Yes.
- Q. That the fishing houses fixed the price for the fish and for their goods in such a way that they keep them indebted, and that from one generation to another they have remained in debt and in vassalage?—A. Yes. It depends a great deal upon themselves.
- Q. O, yes; there are slaves who earn their own freedom by working extra hours, but as a class they are in a very poor condition?—A. They are in a poor condition.
- Q. And the public officers in their reports have made it a subject of comment year after year, haven't they?—A. Yes, some of them.
- Q. You have read it yourself in the fishery reports?—A. Of course a great class of them are poor, but it is their own fault. A great many of them who have been poor have, by economy, become better off than those that were well to do.

Q. I suppose it is their own fault; it is the fault of man that sin came into the world and death. But this system you speak of has gone on from generation to generation?—A. Yes.

Q. There is no place that they can sell their fish except directly or indirectly to these exporters?—A. It is not very easy for them to do otherwise. In the fall they are bound to go to these exporters, or whoever employs them, and get advances for the winter; so it is nothing but fair to give them their earnings in the summer time.

Q. Last year business was dull. The markets were overstocked so that the Jersey houses lost money; they said so, and you believe it to be true?—A. Yes; some of them.

Q. Well, whether all the fish they sold in 1875 have been eaten or not you do not know, or whether there will be a good market or a bad one this year?—A. No; it is hard to tell.

Q. You do not, I suppose, think it possible that a more extensive market for such fish as you send to Montreal and Quebec could do your people any good?—A. I think not.

Q. You think it would not, under any circumstances, place the people in such a situation that they could get better prices?—A. I think not. We have had experience before of fish going into Boston, and it did not realize a sufficient price there.

Q. There were too many fish for sale?—A. We have better markets in our own provinces.

Q. But the price is kept low because there are too many fish?—A. Yes; I think it is overproduction.

Q. I suppose you never fished in vessels?—A. Never.

Q. Does not this question of boat-fishing and vessel-fishing come pretty much to this—that vessel-fishing is principally in deep water, and boat-fishing principally inshore?—A. O, no, no; I think not. It depends altogether upon the weather. If the weather is rough they can do nothing outside, and so they come inshore. They come to get shelter in our harbors and bays—the schooners do.

Q. That is, they did when they used to come in considerable numbers?—A. Yes.

By Mr. Dana:

Q. When a fisherman goes to the merchant who supplies him in the autumn he is supplied on credit?—A. Yes.

Q. Well, that credit differs from the cash price about 43 per cent. does it not?—A. The trade price.

Q. Well, a man goes in the autumn to be supplied by a merchant, the merchant is going to supply him and his family until he goes and catches fish and settles?—A. Yes.

Q. Now, the prices that are charged under these circumstances, where he is to pay by fishing next year—I don't refer to the ultimate result—but the price charged him on the articles sold him at the time is about 43 per cent. more than it would be if he paid down cash?—A. It is not so much as that; it is about 25 per cent.

Q. You are taking into consideration the way he pays in the summer?—A. No; I mean if he came with cash to purchase instead of purchasing on credit he would get things about 25 per cent. cheaper for cash than for trade.

Q. Take the case of flour. The last witness told us that flour could be bought for cash for \$7, and that he would charge \$10 to the person who took it on credit. The difference is between \$7 and \$10?—A. Yes; but what confounds the thing is the trade system; that confounds the thing and makes it appear higher.

Q. I know it appears higher at the start, but it begins at that rate. He buys flour at \$10 which, if he had the cash, he would have got for 17.—A. Yes. Well, there would not be quite so much difference.

Q. Well, that is the way the last witness put it; that would be 43 per cent. Now, if he has made a catch of fish he can pay that, but he may not be able to pay for it, and what he does not pay for stands at that rate, \$10, and the merchant draws interest on it?—A. No; I do not think there is interest.

Q. Well, if he has bad luck it stands there as a debt?—A. Yes.

Q. Now, suppose he has luck enough to catch the fish to pay his debt; understand that the merchant credits him with that fish, not at the cash price, but at a trade price. Now, when do they settle with the merchant—as fast as they come in, or at the close of the season?—A. As fast as they come in. Very often the fisherman settles his account every week.

Q. Now what would be the difference between what is called the trade price of fish and the cash price?—A. 20 per cent.

Q. I mean to ask you the difference between the credit price of fish when a man buys fish at the credit rate, and the cash price of fish?—A. I can hardly understand you. I do not know what is meant by the credit price of fish. He gets 20 per cent. more trade price than he would cash. For instance, if he has cash, as many fishermen have, he buys and sells for cash. A fisherman who buys his goods for cash, whenever he brings in his fish and lands them will get the cash price for them; that would be 9s. 3d. instead of 11s. 6d. Many of them have great advantages and by that means they pay their way, and it makes that difference.

Q. You think the difference between the cash paid for the fish and the trade price allowed is 20 per cent.?—A. Yes.

Q. That is half what he lost in the autumn in getting his supplies? You say that many of them buy for cash.—A. Yes.

Q. There are not many of them that are in a condition to do that?—A. Quite a number of them.

Q. Out of the whole number what proportion is there?—A. Oh, not a quarter.

Q. Then I am right in saying that they don't allow them the same rate of advance upon the cash price of the fish bought from them that they charge them in the autumn upon the goods sold to them on credit?—A. Yes.

Q. They allow what amounts to about 20 per cent.?—A. Unfortunately the good pay for the bad in many cases. The merchant is obliged to add that to protect himself.

By Mr. Davies:

Q. What do I understand to be the difference between the price at which you sell goods on credit, and the price at which you sell for cash?—A. 25 per cent.

Q. Supposing a man catches a certain amount of fish for you and wants cash instead of goods, do you give it to him?—A. We deduct one-fifth from the trade price, and give him his cash, which he can spend where he likes.

Q. So the difference is 20 per cent.?—A. Yes.

Q. If he wants to deal with you and take your goods, you charge him 25 per cent. in addition to cash price?—A. Yes.

Q. You say one-fifth. Did you make 43 per cent. of it in any way? Do you charge in any of your dealings 43 per cent. difference against the

fisherman who deals with you on credit, as compared with one who deals on cash?—A. No.

Mr. DANA. I did not ask him what he did, but what merchants generally did.

Q. You are a merchant, are you not?—A. Yes.

Q. You hire men and pay them. You sell to the larger merchants?—

A. Yes, and I sell to a great many of the inhabitants.

Q. They deal at your store?—A. Yes.

Q. They buy goods?—A. Yes.

Q. What price do you get after the fish are cured and dried, from the Jersey merchants?—A. That differs, of course. It is a private agreement between me and the exporters.

Q. It is after they are dried that you sell them. You have to dry them?—A. Yes. I make a private agreement with the exporter.

Q. What is the general price paid for dried fish?—A. Sixteen shillings cash and twenty shillings trade.

Q. That is, dried fish this year?—A. Yes.

By Sir Alexander Galt:

Q. I would like to see if I understand your statement. It has been said, and I did not understand you to differ from that, that a barrel of flour was sold at \$7 if paid for in cash, and at about \$10 (although I understood you were not quite of the same opinion as the other witnesses) if entered in the book?—A. Yes.

Q. Well, that would be a difference of about 43 per cent.?—A. Yes.

Q. Well, is there any difference in the rate of advance you make on flour and on the other articles that you supply, or is a corresponding advance made in every other article?—A. It is just about the same.

Q. Well, in regard to the price charged, you have told us you have charged 25 per cent. in general terms (it appears, however, to be more), and that you deduct from the price of the fish 20 per cent.?—A. Yes.

Q. Very well, those are equivalent amounts, because 25 per cent. on sixteen shillings is four shillings, which would make it twenty shillings, and 20 per cent. of twenty shillings is also four shillings, which deducted reduces it to sixteen shillings.

By Mr. Davies:

Q. Do I understand you to say that you sell flour at \$7 cash, and on credit for \$10? Mr. Dana has given you an instance, and Sir Alexander Galt has repeated it, assuming flour to be sold at cash for \$7 and credit for \$10. Is that so?—A. No.

By Sir Alexander Galt:

Q. Let us understand exactly. On a general average of articles, what difference do you make for giving a winter's credit to those fishermen? How much advance do you put on flour?—A. As a general rule, we put on the credit system from 60 to 75 per cent.; that is the advance generally put, on the credit system.

By Mr. Davies:

Q. That is over cost?—A. That is over cost. For cash we sell very cheap; we sell for 20 per cent. over cost for cash. We charge a large additional sum on credit.

Q. But that has to be paid for with fish at trade prices?—A. Yes.

By Mr. Foster:

Q. Do you mean that if you are being paid an old debt that stands over last year—in that case do you allow the trade or the cash price for the fish brought in to pay for them?—A. The trade price.

By Sir Alexander Galt:

Q. I wish to ask you a question on a different subject, in regard to the dependence of those fishermen upon the fisheries for the existence of themselves and their families. You spoke of their being employed on farms during the winter. Do we understand from you that the subsistence of those fishermen and their families is dependent practically upon the fish that they catch during the summer?—A. Practically on that.

Q. If those mercantile houses did not buy those fish, or if from any cause they were to move away, these fishermen might be exposed to distress?—A. Yes. For instance, if the merchants were to refuse to give them an advance in the autumn it would be simple starvation.

By Mr. Davies:

Q. When you charge that large percentage on credit, do you give a correspondingly large increase in the price of the fish you take from them?—A. Yes.

Q. So that practically it becomes even?—A. Of course the merchants are bound to make an advance on account of bad debts.

Q. But I understand you to allow him the same difference in the trade price that you pay him for his fish?—A. Yes.

No. 34.

JAMES JESSOP, builder and farmer, formerly a fisherman, of Newport, Gaspe, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You are a fisherman?—Answer. I went fishing for thirty years.

Q. You were born at Perce?—A. Yes.

Q. You have resided at Newport for fourteen years?—A. Yes.

Q. You reside there at present?—A. Yes.

Q. How far is that from Perce?—A. About 30 or 40 miles westward from Perce.

Q. Have you been fishing all your life?—A. I have been fishing all my life, except during the last five years.

Q. Did you live among fishermen?—A. Yes.

Q. Was your father a fisherman?—A. No. I have lived among fishermen all my life, and I went fishing when twelve years of age.

Q. During all that period have you known American vessels and American crews?—A. Yes; and I have often been on board of the vessels and had conversations with the crews. They have been at my place several times.

Q. Have you seen them on shore and on board?—A. Yes.

Q. During the whole of that period?—A. Yes.

Q. Have you ever fished on board of their vessels?—A. Yes. I fished on board of a Gloucester vessel, Madame Roland.

Q. How long did you fish in her?—A. Twelve or fifteen days.

Q. In what year was that?—A. In 1868.

Q. What fishery did you carry on?—A. The cod-fishery.

Q. Where?—A. Off Perce and Newport. I fished for two years on the north shore of the river St. Lawrence.

Q. What did you fish there?—A. Cod-fish.

Q. Have you seen the American fishing fleet?—A. I saw a great many vessels at Natashquan—100 sail—but I did not go on board.

Q. How many years were you fishing on the north shore?—A. I was one year at Natashquan.

Q. You saw the American fleet?—A. The best part were Halifax vessels, and from along the coast at Halifax.

Q. Have you seen the Americans fishing on the south shore?—A. Yes; fishing for mackerel and cod.

Q. From Cape Chatte to Cape Gaspé, how far from the shore did the Americans fish?—A. From Cape Chatte to Cape Gaspé the Americans came in along the shore. I never fished there. I have passed up and down and seen American vessels fishing for mackerel right along the shore.

Q. Did you see or hear of Americans fishing for mackerel outside of three miles from shore?—A. No; all within one mile, one mile and a half, and two miles from shore.

Q. Did you ever hear of any fishing outside three miles?—A. Not on that coast.

Q. On the north side of Bay Chaleurs where are mackerel found?—A. The great body of mackerel is along the shore. A few may be caught outside in deep water, but the mackerel make into the shore and come after small bait.

Q. Where are most of the mackerel caught?—A. Handy to the shore; sometimes a mile and a half out, sometimes not five acres out.

Q. Do you know from the Americans themselves whether they catch the greater part of the mackerel inshore?—A. Yes. The vessel I was on board fished inshore with boats. The vessel was at anchor in Newport Harbor.

Q. How far from the land?—A. About 300 yards.

Q. Did you catch all the fish there?—A. There were no fish in the harbor; we caught them in a cove called Carnaval.

Q. How far from the shore?—A. About two cables' length. We got 100 barrels one day.

Q. Did you catch your fish far from the shore?—A. The farthest we caught might be half a mile off.

Q. How many did you catch?—A. I could not say exactly, but we pretty nearly loaded her. I left her, and she afterward left to transship her cargo.

Q. At what place was she going to transship?—A. Some port toward Prince Edward Island, the skipper told me. About ten days after I was down at Perce, and the skipper came back looking for me; he let word for me to come down, but there was a storm and I did not see him after.

Q. How many days were you on board?—A. Twelve or fifteen days.

Q. You got the load during that period?—A. The best part of the load.

Q. Do you know, from information derived from Americans, whether it would be worth their while to carry on the fishery if they were excluded from the inshore fisheries?—A. They could not do much if excluded from the inshore fisheries.

Q. You know that from themselves?—A. Yes.

Q. Would they undertake the fishery if excluded from the inshore fisheries?—A. I could not say.

Q. Do you know, from what you have heard from them, whether they would engage in it?—A. I don't think it would pay them. It is easy to see they would risk their vessels, which might be seized and taken.

Q. You say you have been in communication with crews of American

vessels, and they have been ashore at your house; how many crews have you seen at one time?—A. I saw the crews of four vessels at one time.

Q. You have constantly mixed with them?—A. Yes; there was Captain Ellwood and his crew, who always came, and another crew.

Q. Do you know from them their estimate of the number of barrels of mackerel a schooner would take in a season?—A. On an average 600 or 700; some take more, and some less.

Q. What would you understand to have been some of the larger catches of American vessels, as you have heard from them?—A. Some vessels have made three loads of 500 barrels each.

Q. You have heard that from them?—A. Yes.

Q. That is 1,500 barrels for the season?—A. Yes. They do not all do that.

Q. Did you ever know of a mackerel vessel that did not get one full load?—A. I never heard of it.

Q. How many barrels do the majority of the vessels catch?—A. They catch from 600 to 700 barrels on an average.

Q. In how many trips?—A. Some make three trips and some only two.

Q. Do many of them make two trips?—A. I suppose about two trips on an average.

Q. Do you know from the Americans what they consider to be the advantage of transshipping, what it saves them?—A. It is a great advantage. They are thus able to remain in the fishing grounds, where otherwise they would be going home with their loads. It is the advantage of a trip.

Q. You know that from themselves?—A. Yes.

Q. That they consider it the advantage of a trip?—A. Yes.

Q. At what period do the mackerel come to your shores?—A. On our shores we get mackerel on 15th June; the larger body comes in about 1st July, and from that to 15th and 20th August.

Q. How late do they remain?—A. I have seen them on 15th October on our shores, and vessels there even then.

Q. Usually how long do they remain?—A. Until about the middle of September; they are always there till about 15th September.

Q. How plentiful are they on your coast?—A. Some years they are plentiful that you can see nothing but a school for three miles out in the mackerel rising and breaking the water. Some days there will be a solid body of them right into shore, within a quarter of a mile from shore, sometimes within ten acres, among the rocks.

Q. How long would they remain that plentiful?—A. Generally about three weeks.

Q. Continuously during that time?—A. Yes; every day they are schooling for about three weeks.

Q. You say they appear to be almost a solid body in the water?—A. Yes.

Q. The fishery you carried on was the cod-fishery?—A. Yes.

Q. Do you know about what quantity of codfish the American schooners would catch, on an average, to each vessel?—A. As far as I can understand from them, something about 400 or 450 barrels in the Gulf of St. Lawrence.

Q. Do you know what they usually catch?—A. They almost always are loaded. They don't catch any inside our coast; they catch the cod on the Banks.

Q. These are different vessels from those engaged in the mackerel fishery?—A. Yes.

Q. Have you been on board of those cod-fishing vessels?—A. Yes; I have been on board of them on the Banks.

Q. And you have fished there yourself?—A. Yes.

Q. How long do they remain on the Banks?—A. Two days, generally.

Q. Where do the boats catch the largest part of their codfish?—A. The largest part is taken inshore.

Q. About how many boats have you on the coast from St. Peter's to Paspebiac?—A. Between 800 and 1,000.

Q. What is their average catch?—A. The average catch on the whole line will be from 100 or 110 to 120 quintals of dried fish.

Q. Do you know where the American fishing-vessels get their bait?—A. They very often run up to Shippegan and Caraquette and fish for herring.

Q. How do they get their bait?—A. With nets.

Q. Do you know what else besides herring is used for cod-bait?—A. Mackerel and squid.

Q. How do they practice that bait-fishing?—A. They catch mackerel with jigs, and squids with lines.

Q. Do you know where the codfish feed and spawn?—A. I think the cod spawn on the ground where they remain.

Q. What grounds do you mean?—A. The large cod are fished on the Banks and in deep water, and they have been caught spawning there. In hauling them on the coast also, we have found them in the act of spawning. So we think they spawn where they are.

Q. On the coast?—A. Yes.

Q. Do you know of any other way the cod-fishermen have of getting their bait than that you have mentioned?—A. They get their bait sometimes outside on the Banks.

Q. How?—A. With nets. They catch the bait the same outside.

Q. So far as your experience goes, do you know of any other way of getting codfish-bait?—A. They seine caplin on the coast sometimes.

Q. Have you knowledge of any other way of procuring bait for cod-fishing?—A. No.

Q. The fishing could not be carried on with salt bait?—A. They can do nothing fishing with salt bait.

Q. Have you tried it?—A. I have tried it.

Q. Could you not succeed with it?—A. You can do nothing with it; you may get an odd fish, but it will not pay to fish with it. Fish are very particular about bait.

Q. Suppose the American cod fishers were excluded from catching or buying fresh bait, do you know of any way by which they could carry on the codfishing business?—A. I don't know of any. They might carry on a little fishing on the Banks, but when the bait failed they could do nothing.

Q. To what extent could they carry on the fishing?—A. It is very hard to tell; some years there will be some herring on the Banks and other years very few.

Q. Would it be worth while for them to engage in the codfishing business?—A. I don't think so.

Q. As a matter of fact, where do they get most of the bait; on the shores or on the Banks?—A. More inshore than on the Banks.

Q. Do the Americans come inshore constantly for bait?—A. They may not come on our shores, but on other shores they do. Most of them go to Shippegan, which is a great place for fishing herring. The herring come in from the Banks to Shippegan; the Americans catch them and also follow them inshore.

Q. The Americans come from the Banks on purpose to catch bait?—
A. Yes; and when they go out of the bay they get fresh bait when the
erring school is passing out.

Q. How long does the fresh bait last?—A. It will only keep fresh one
day.

Q. That is when there is no ice on board to preserve it?—A. Yes.

Q. Where there is ice, how long will the bait keep fresh?—A. Two or
three days.

Q. Do you know of Americans purchasing ice on the shores of Nova
Scotia?—A. I have heard that they do.

Q. Do they take that ice to preserve their bait?—A. They never take
it on our coast.

By Mr. Dana:

Q. You spoke of some codfish having been caught in the act of spawn-
ing; will you describe what you mean by the act of spawning?—A.
When the fish were hauled in, the spawn was found running from them,
quite soft.

Q. When were they caught spawning?—A. In July.

Q. Where?—A. On the grounds where we catch the fish.

Q. The large fish on the Banks?—A. The large fish in deep water.

Q. Can you fix the month when they spawn?—A. July.

Q. Whether large or small cod?—A. They are large outside and
small inside on our coast.

Q. When spawning can they be trawled?—A. Yes.

Q. They will bite?—A. They will bite on trawls when they will not
bite on hand-lines.

Q. Can they be caught by hand-lines when spawning?—A. Only
a very few.

Q. What do you think cod live on?—A. We find in them herring,
mackerel, crabs, and offal, such as cod heads and backbones, where
Americans have been splitting.

Q. So far as the Americans are concerned, they do not care for the
small cod caught near the shore?—A. No; I have seen them haul a
trawl and throw away the small cod.

Q. They go to the Banks to catch the large fish?—A. Yes.

No. 35.

WILLIAM FLYNN, custom-house officer, and secretary-treasurer of the
county council of Gaspé, residing at Perce, Gaspé, called on behalf of
the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you any knowledge of the fisheries?—Answer. I have
been trading in fish for 15 years.

Q. In what branch of the fisheries have you been engaged?—A. The
codfishery.

Q. And in mackerel to any extent?—A. Not in mackerel. We don't
trade for mackerel, except for bait.

Q. How many boats have you employed?—A. Some seasons five or
six; sometimes less and sometimes more.

Q. How far from the shore do they take codfish?—A. About two
miles or two miles and a half.

Q. How many boats are there in the harbor of Perce? A. About

- Q. How many boats are there along the coast from Paspebiac to Gaspé?—A. About 1,100. Between 1,000 and 1,100.
- Q. What is the average catch of the boats you have employed and of those 1,100 boats?—A. I think the average would be from 120 to 125 quintals all round per season.
- Q. What would the value of the fish be to the man who caught them?—A. Some years from \$5 to \$6 per quintal.
- Q. Do you mean \$5 or \$6 green or dried?—A. I mean dried.
- Q. Green they would not be worth so much?—A. Not so much.
- Q. What would you pay for green cod?—A. We pay about \$3 per quintal.
- Q. Do the Americans fish along your shores for cod?—A. They do.
- Q. Within three miles from shore?—A. Yes.
- Q. To any extent?—A. They don't fish codfish to any great extent within three miles from shore.
- Q. Where do they fish for cod?—A. On Miscon Bank and Bank Orphan.
- Q. What is the number of the fleet engaged in fishing on Miscon Bank alone?—A. I have heard my men say from 40 to 50 sail.
- Q. You would put the average at 40 sail?—A. Yes.
- Q. Do you know what is the number of the cod-fishing fleet in the bay on an average each year?—A. From 300 to 400 vessels.
- Q. Nearer 400 than 300?—A. About 400.
- Q. Where do these cod-fishermen get the bait they use?—A. A great deal of it inshore, along our coast.
- Q. How do they get it?—A. By setting nets inshore, and sometimes by buying it.
- Q. What kind of fish do they catch for bait?—A. Herring. I have seen them seining herring. I have heard that they jig squid and bob mackerel.
- Q. They catch caplin?—A. Yes.
- Q. These are the baits used for cod?—A. Yes.
- Q. Do the Americans catch them in large quantities?—A. I could not say what quantities they catch.
- Q. They catch all they require?—A. Yes.
- Q. These herring, caplin, and mackerel are all very close to the shore?—A. Quite close, within half or a quarter of a mile. The caplin are taken close inshore.
- Q. How did American cod-fishing vessels obtain bait when the cutters were around?—A. We did not see so many vessels come in when the cutters were about. They would watch the opportunity, and come in and take bait when the cutters were away.
- Q. They did not abstain from coming in for this bait because the cutters were about?—A. No; they would always come.
- Q. Suppose they were prevented from taking any bait within three miles of the shore, how could they carry on the cod-fishing?—A. I don't believe they could carry it on to any advantage.
- Q. They catch the cod by trawling?—A. Yes.
- Q. In trawling you require fresh bait?—A. Yes.
- Q. And that fresh bait can only be obtained on our shores?—A. Yes.
- Q. Can you get it farther out than three miles from shore?—A. Yes, can sometimes.
- Q. To any extent?—A. Not to any great extent.
- Q. To any extent which would warrant them in prosecuting the fisheries?—A. No.
- Q. I understand the meaning of your evidence is that it is absolutely

necessary to get fresh bait to carry out the cod-fishery?—A. Yes; that is the meaning of my evidence.

Q. And that this bait is got from half a mile to a mile from shore?—A. Most of it.

Q. On the north side of the St. Lawrence where are the codfish taken?—A. I have heard fishermen say they take them very close to the shore. I don't know much about that myself.

Q. What is the average annual catch of the American cod-fishermen?—A. I could not give an average.

Q. Have you sufficient knowledge to enable you to give a fair opinion about it?—A. I have heard some say they used to make two trips some years.

Q. Do you know what they took per trip?—A. I could not say exactly what they took.

Q. You catch mackerel to some extent for bait; is it used to any material extent for bait?—A. It is.

Q. As much as herring?—A. Not exactly as much as herring. At certain seasons—in July for instance—it is mostly mackerel we use.

Q. At what distance from the shore are they taken?—A. Quite close to the shore; about half, three-quarters, or a mile from the shore.

Q. Will you tell the Commission why the mackerel go close inshore; on what do they feed?—A. On shrimp.

Q. It is close inshore?—A. Yes.

Q. Do you think it is the shrimp which take the mackerel there?—A. It is supposed that this is what takes them there.

Q. The Americans follow the mackerel-fishing to a large extent on your coast?—A. Yes.

Q. And have done so for many years?—A. Yes.

Q. Does your recollection cover the period during which the Reciprocity Treaty was in force?—A. Yes.

Q. Will you tell the Commission how many American vessels were in the habit of frequenting your coast during the existence of the Reciprocity Treaty?—A. I should say from 300 to 400.

Q. Have you ever seen a large number of them at one time?—A. As many as 150 sail in Perce at one time.

Q. You put the number of American mackerel vessels cruising off your coast at from 300 to 400?—A. There may have been more.

Q. These vessels are distinct and separate from the cod fishing vessels?—A. Yes; perhaps there may have been 500.

Q. Did the number continue the same after the Reciprocity Treaty was abolished?—A. No; the number fell off.

Q. What effect had the presence of the cutters?—A. We did not see so many.

Q. Did the Americans keep offshore altogether when the cutters were about?—A. No.

Q. How did they act then?—A. They came in when the cutters were away; they watched the cutters.

Q. Where do they generally catch the fish? You could see where they fished?—A. Within three miles.

Q. How close to the shore?—A. I saw them fish within half a mile.

Q. Where would they generally catch their fish?—A. Within three miles of the shore.

Q. Did they catch them well within the three miles or close to the edge?—A. Close in the three miles. Most of them were caught inside of three miles.

Q. Do you wish the Commission to understand that they were caught

near the edge of the three miles or close in to the shore?—A. Within one mile of the shore.

Q. The bulk of the fish was taken there?—A. The largest quantity of fish was taken within three miles from the shore.

Q. What proportion would be so taken?—A. I should say about three-fourths.

Q. Does the same rule apply along the south coast of the St. Lawrence from Cape Chatte to Gaspé?—A. They are mostly all taken within three miles from the shore.

Q. Are any taken outside?—A. None, from what I hear.

Q. What time of the year have you mackerel on your coast?—A. They generally commence in July. July, August, and September are the three principal months.

Q. Have you ever been in conversation with American captains?—A. I have; I have been on board their vessels and talked to them about their catches and the season they take them.

Q. Have you ever made an estimate of the average catch of the mackerel vessels?—A. As far as I could judge they would take about 600 or 700 barrels per season on an average.

Q. Have you known them take more?—A. I take it in this way. Many of them make two trips, I have heard them say, and they are vessels which would take from 350 to 400 barrels each trip, and in some cases more.

Q. What is the ordinary tonnage of American mackerel schooners nowadays?—A. I should say they would average about 70 tons.

Q. Are they not larger than they used to be?—A. I think they are larger.

Q. Would they range about 100 tons?—A. I have seen some 120 tons.

Q. You put the catch of each vessel at about 700 barrels, taking the fleet through?—A. From 650 to 700 barrels.

Q. Where do you send your codfish?—A. To the Brazils, Italy, Portugal, and Spain.

Q. You don't send any to the United States?—A. To my knowledge two small cargoes were sent from Perce.

Q. When was that?—A. In 1868. They were sent to Boston.

Q. Was the fish prepared for that market?—A. Yes; it was mostly green fish.

Q. Was the venture successful?—A. The result was not very favorable, and I understand from the merchants they did not realize for the fish what they get at the port of Quebec.

Q. They found it unprofitable?—A. It did not pay them at all.

Q. I believe it is understood that your foreign trade with Portugal, Italy, and the Brazils does pay?—A. Yes; the price is from \$4 to \$5 per quintal.

Q. Then there is not much chance of opening a market in the United States, even if you have a free market there?—A. I do not see it is an advantage to send our fish to that market.

Q. Did you ever know of any Canadian vessel going to American waters to catch fish?—A. I never heard of any.

Q. Do you think the American mackerel fleet could prosecute the fisheries on our coasts if they were excluded from fishing within the three mile limits?—A. They could not.

Q. Have you any doubt of it?—A. I have not much doubt, because I know most of the bait is taken inshore, and they would not be able to do without bait.

By Mr. Foster :

Q. What was the year when you saw 100 mackerel vessels at Perce ?—

A. I could not exactly say ; eight or nine years ago.

Q. From that time the number has been decreasing ?—A. Yes.

Q. Steadily ?—A. Yes.

Q. Until it has got down to very few ?—A. Very few ; I have not seen any this year.

Q. You never had any mackerel fishing by your own people in your vicinity ?—A. No.

Q. Has the cod-fishing business grown better or worse, larger or smaller, during the last ten years ?—A. I think it is something better.

Q. You have an abundant supply of bait ?—A. Yes, there is a very good supply this year.

Q. And for ten years past the business has been improving ?—A. Yes.

Q. And so has the condition of your people, I suppose ?—A. Yes.

Q. And so with the men engaged in the business ?—A. Yes.

Q. You have not suffered anything in the cod-fishing business yet ?—A. No.

No. 36.

JOSEPH COUTURE, fisherman, Cape Despair, Gaspé, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

(This witness gave his evidence in French, which was translated by Mr. Doutre.)

To Mr. Doutre :

I am forty-two years of age. I live at Cape Despair, in the county of Gaspé. I am a fisherman, and at present employ men in the fishing business. This fishery is carried on along the coast from one to three miles from the shore, and also on Miscou Bank. The Americans fish there. I have seen as many as forty sail fishing there at the same time. The Americans procure their bait along and near the coast. This bait consists of herring, caplin, and squid. The cod-fishery cannot be prosecuted to advantage with salt bait. The Americans cannot bring with them to Miscou Bank a sufficient supply of bait. In 1857 I fished in an American schooner called the Maria. I do not remember her captain's name. The schooner was fitted out at and started from Portland. During the first three months of the voyage we fished for cod along Cape Breton, the Magdalen Islands, and Miscou Bank. At Cape Breton we took the cod at distances of from a mile to a mile and a half from the shore. We fished at about the same distance from the shore at the Magdalen Islands. We took 330 quintals of cod. We caught about three-quarters of our load within three miles of the coast off Cape Breton and the Magdalen Island, and the remainder at Miscou Bank. We procured our bait on the Cape Breton shore. We went back to Portland and unloaded our cargo, and left for a trip for mackerel. We caught mackerel off Prince Edward Island, all within two miles of the shore. We fished exclusively off Prince Edward Island, between East Point and West Point. We caught 260 barrels. The vessel was of about 64 tons. We took some of our bait from Portland, and we caught the remainder where we were fishing, off the Island. Over 450 American schooners were there fishing for mackerel in the Bay of Saint Lawrence. The tonnage of these vessels would run from 35 to 130 tons. Stormy weather takes the mackerel off shore into deep water, and the fishermen follow them there sometimes. When fine weather returns the fish come back near the coast. A vessel of 70 tons requires a load of between 450 and

500 barrels. I state that this is the load generally taken by such a vessel from my own observation and the conversation I have had with fishermen on the subject.

Those who only fish for mackerel make at least two trips a season, and some make three trips. If a vessel of 70 tons were loaded to its full capacity, it would carry each trip from 450 to 500 barrels; but they are not always fully loaded. If the Americans were excluded from coming within the three-mile limit, either as respects fishing or the securing of bait, it would not pay them to come to our shores to fish. Some British subjects may have been employed on American vessels in American waters, but I never heard of any Canadian or other British subject going to American waters to fish on his own account. I do not think that it would be any advantage to British subjects to go and fish there. Large establishments are engaged in prosecuting the cod-fishery on the coast of Gaspé. They do not send vessels to the banks of Newfoundland to fish for cod. The larger part of the cod taken by these establishments is caught within three miles of the coast, Miscon bank excepted in this relation. Three-quarters of the cod caught in the Gulf are, in my opinion, taken within three miles of the shore; I refer in this regard to the catch throughout the Gulf. Those engaged on American fishing vessels consider that they have a good season if they realize each during it \$400; but to do so they must be under an intelligent captain. I now am speaking of men who work on shares, under which system they get one-half of all they catch. Such a man would obtain this \$400, exclusive of his maintenance, which is at the charge of the owner. The mackerel feed on shrimps, lantz, and chevrettes, which generally keep near the shore in fair weather. Like other fish, during stormy weather they go off shore. The fact of their presence near the shore explains why the fish are caught within a short distance of it, as they are attracted in near the shore in search of such food.

To Mr. TRESCOT:

We took some barrels of bait from Portland. This bait consisted of clams, to be mixed with other bait. I do not know where the bait which was taken from Portland is generally caught.

No. 37.

FRIDAY, August 24, 1877.

The conference met.

T. J. LAMONTAIGNE, fish-merchant, St. Anne des Monts, Province of Quebec, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. You come from Cape Chatte?—Answer. I have a fishing establishment at Cape Chatte, but I reside at St. Anne des Monts.

Q. That is 8 or 9 miles from Cape Chatte?—A. About 10 miles.

Q. In what business are you engaged?—A. In the cod-fishing business.

Q. Exclusively cod-fishing?—A. Yes.

Q. How long have you been engaged in the fishing business?—A. Since the spring of 1859.

Q. Along what part of the coast has your fishing business extended?

A. From Cape Chatte downwards as far as ten miles below St. Anne des Monts. About 20 miles along the coast.

Q. What do you do with your fish?—A. I dry it and send it to market.

Q. Where do you send your fish?—A. Most of it is sent to Italy, and some of it to the Brazils.

Q. Do you send any portion to the United States?—A. None whatever.

Q. Why?—A. Because it would not pay to send it to the United States.

Q. Have you made inquiry on that subject?—A. Yes.

Q. You found it would not pay?—A. We found it would not pay.

Q. Is any portion sold in the Dominion?—A. Some of it. Some green fish is sent to Quebec and Montreal markets, and what is called table-fish.

Q. You are acquainted with the trade all around the north shore of Gaspé and down, I suppose, to the Bay of Gaspé?—A. I have been several times in those places, and have had communications with some of the merchants there.

Q. Take from Cape Chatte to Gaspé, along the south shore, what is the average annual export each year of fish; I refer to codfish and line-fish?—A. From my place down to Cape Gaspé there will be 25,000 quintals, at least of dried fish, exported.

Q. Taking the whole Gaspé shore what would you say?—A. I should think not less than from 180,000 to 200,000 quintals of dried fish.

Q. What is the value per quintal previous to exportation?—A. They should not be worth less than \$5 per quintal.

Q. How are these fish taken; by vessels or boats?—A. By boats.

Q. Are they taken with hook and line?—A. Yes. What we take on our coast are all taken with boats and with hook and line.

Q. You don't use trawls?—A. In our part of the river we never use trawls.

Q. What is the effect of trawl-fishing, so far as you are aware?—A. I think it is very disastrous to the fish especially to large fish.

Q. Why?—A. Because the large fish are considered to be the spawning fish, at least as far as it is within my knowledge and ability to ascertain.

Q. It kills the mother-fish?—A. Trawls take the bottom-fish, which are the large fish.

Q. Cod-trawlers take many fish which they do not use?—A. I believe a few small fish are taken, but they are mostly large fish.

Q. What do fishermen say as to the effect of throwing overboard gurry on the fishing-grounds?—A. I never heard many fishermen complain of it, except that the gurry takes the fish from them.

Q. Is all the fish of which you have spoken along Gaspé shore taken far out from shore or close in?—A. Close in shore.

Q. Within what distance of the shore?—A. From one to two miles, never outside of two miles, on our part of the coast.

Q. Over in the center of the river Saint Lawrence is there any fish?—A. Our fishermen have tried to get fish there, but never could find any outside of three miles.

Q. Do you find the fish outside of two miles?—A. No.

Q. Out in the middle of the river there are no fish at all?—A. No.

Q. Is the fishing on the north shore of the river, opposite to where you reside, and from there down to the Bay of Seven Islands, as good as any on your side of the river?—A. Generally so; the fish get there later, but the fishing is generally as good.

Q. The fish strike into the south shore first?—A. Yes.

Q. And afterwards cross the river?—A. Yes.

Q. What fish do you refer to?—A. Cod.

Q. What time do the cod strike on your coast?—A. In June.

Q. How long do they stay?—A. Generally all through June, and they go over in July to the north shore. Our best fishing is in June, after which the fish go over to the north shore, when the fishing there is as good as it is with us in June.

Q. Is your fishing during July, August, and September generally good?—A. The fish are not quite so abundant, but there is always fair fishing during the season.

Q. How many boats are employed in the district you speak of, twenty miles from Cape Chatte downward?—A. I should say from 200 to 300 boats at least.

Q. How many men would they employ?—A. There are generally two men to each boat.

Q. Do the mackerel come in there as well as cod?—A. Yes, generally.

Q. I believe you don't fish for mackerel?—A. We do not.

Q. You never turned your attention to mackerel fishing?—A. No except for bait.

Q. You find the codfishing pay better?—A. Yes, that is the reason we have enough to do with the codfishing business.

Q. Are mackerel plentiful this year?—A. Yes, on our coast they are quite plentiful.

Q. Have you any halibut on your coast?—A. Not at present.

Q. What is the reason?—A. We attribute it to the Americans fishing for halibut on our coast.

Q. What time did they fish?—A. About August.

Q. What years did they come there?—A. From 1856 to 1866 and 1870, as near as I can remember.

Q. In 1866, the Reciprocity Treaty came to an end; did the Americans fish for halibut there in 1870?—A. I could not say exactly the year, but I am sure they fished there.

Q. Did they fish after the abrogation of the Reciprocity Treaty in 1866?—A. The Americans did fish there.

Q. Was halibut taken within two miles of the shore?—A. Near the shore.

Q. The Americans came in after the Reciprocity Treaty was abrogated, did they?—A. I believe they did.

Q. And they cleaned out the halibut?—A. Fishermen all agree in saying that they took away all the halibut on our coast.

Q. They all agree that the Americans spoiled the halibut fishing?—A. Yes.

Q. Did any one on your part of the coast try the experiment of sending fish to the United States?—A. Not in our part. I have heard of firm sending cargoes to the United States.

Q. What firm?—A. Lebontillier Bros.

Q. They tried the experiment?—A. They lost money by it.

Q. To what extent is fish exported from your part of the coast to Quebec and Montreal?—A. It is pretty considerable. The dried-fish trade terminates in August, and the green fish is taken up to Quebec and Montreal. I should think the quantity of green cod and table fish would amount to about 25,000 barrels caught on the coast of Gaspé and sent to Quebec and Montreal markets. There is a quantity of draught fish besides the barrels. I should think from 10,000 to 15,000 quintals of large draught fish go up to the markets of Quebec and Montreal besides the 25,000 barrels of green fish.

Q. Why do you call them draught fish?—A. They are large green fish.

Q. Does it pay better to send them to Quebec and Montreal than to dry them and send them to Brazil and Spain?—A. It does with the large fish, because they are difficult to dry at that late season.

Q. When does that season begin?—A. In September; it is then too late to dry large green fish.

Q. Up to that time you dry the small fish for the markets of Brazil, the West Indies, and Mediterranean ports?—A. Yes.

Q. Is the trade with Montreal, Quebec, and other parts of the Dominion a paying trade?—A. Generally so.

Q. Does it pay as well as the export trade to foreign markets?—A. Not quite as well.

Q. In point of fact, for all the fish you can catch on your coast you have ample markets without the United States?—A. Yes; we have always found a ready market so far.

By Mr. Trescot:

Q. As I understand, you belong to what is generally known as a Jersey firm?—A. I don't belong to a Jersey firm.

Q. The sort of business you do is that of curing fish hard and sending them to the Brazils, Spain, and Portugal markets?—A. Yes.

Q. With regard to that business at Gaspé and the neighborhood, the business has materially increased from year to year?—A. Yes.

Q. It is a profitable business?—A. Yes; it is a pretty good business.

Q. There has been no competition by American fishermen?—A. No.

Q. They don't interfere with your markets?—A. Not in our part of the country.

Q. So that if the treaty of 1871 did not give you any great advantages, has not imposed any disadvantage upon you; you have neither gained nor lost as far as your trade is concerned?—A. Not that I can see at the moment.

Q. With regard to the mode in which you prepare your fish and the special market you have, the trade may almost be considered as a monopoly, and you don't think it worth while to leave that trade to enter into trade with the United States and to prepare fish in another way for that market?—A. Because we have always been under the impression that it would not pay.

Q. You say you send some of the large cod up to Quebec and Montreal; they are lightly salted?—A. They are green fish.

Q. That is a recently-established business, is it not?—A. No, we have always prepared the fish in the same way.

Q. Have you ever attempted to send those cod into the United States?—A. No.

Q. Don't you think it probable that a market for them could be found in the United States, though a market cannot be found there for hard-dried cod?—A. We have always found a ready market elsewhere for fish.

Q. But there is nothing to prevent you sending those fish to the United States?—A. If the market was better in the United States we would try it.

Q. The thing has not been attempted?—A. No; for the good reason we have stated.

Q. That you find a ready market for all your fish?—A. Yes.

Q. With regard to the mackerel fishing, it is a very uncertain business?—A. Sometimes.

Q. Is not this a true statement of what the mackerel fishery is? I read from Mr. Lavoie :

Of all the fish which frequent Canadian waters, there is none, I dare say, upon the regular appearance of which so little reliance can be placed as on mackerel, excepting always Magdalen Islands, where they repair every spring and summer in smaller and larger numbers, so fond are they of these particular shores. Mackerel was abundant for several years in Bay de Chaleurs, Gaspé Bay, and Seven Islands. Cargoes of the fish were to be caught at Godbout, Cape Chatte, and Mecatina, but this year a few only were taken in herring nets and used as bait for cod. Mackerel were, however, as abundant as ever in Magdalen Islands, and if the quantity caught is not up to last year's mark, this is due to the appearance of animalculæ which floated on the surface of the water, and which mackerel appeared to be fonder of than bait. These fish usually enter our waters about the middle of July, and leave them only towards the end of October. Not a single barrel of mackerel was caught on the North shore this season; the statistics of last year showed 32 barrels. In 1874, 1,322 barrels were caught on the coast of Gaspé, last year 75 barrels, and this year none at all.

So there are reasons, besides the presence of the Americans, why you don't catch mackerel always in that neighborhood?—A. I say our fishermen do not give their attention to it; that they do not care about the mackerel fishery.

Q. You were asked as to the effect of trawling or using bultows on the fisheries, and you said you thought it was very injurious?—A. It is, in my opinion, from what I have heard stated by the fishermen themselves.

Q. I find in this report of Mr. Lavoie, he says:

Several complaints were made before me, so that I was reluctantly compelled to absolutely forbid bultow fishing within the prescribed limit of three miles, and to threaten with fines those who should violate this regulation. Although I cannot possibly understand what difference there can be in fishing with these lines at a distance of 1 or 2 miles from shore, when none is found in there being used all round the islands inside the bays. Such of the fishermen who are not provided with these lines complain of their use, and give no reason to justify their pretensions. So far as my own opinion is concerned, I think, far from prohibiting these fishing engines, they should be encouraged in certain places.

You don't agree with that?—A. No.

By Mr. Thomson:

Q. In your opinion the statement of Mr. Lavoie is sheer nonsense?—A. Mr. Lavoie is a physician. Like some lawyers, he does not know what fishing is.

Q. Your people do not prosecute the mackerel fishery?—A. No, they tried it for one year and found it would not pay them.

Q. Whether Mr. Lavoie is correct or not you do not know and do not care?—A. Quite so. Generally our fishermen take a few mackerel in the winter, for their own winter's stock.

Q. And use the rest they take for bait?—A. Yes.

Q. These are important fish for bait purposes?—A. Yes, mackerel is considered a good bait for fish.

Q. This trade you have with Montreal and Quebec is not a recent one but has existed as long as you have had anything to do with the fish business?—A. Since I have been on the coast, I have always known white and green cod sent to Montreal and Quebec.

Q. If you have a good market near home you prefer to go there instead of going to another market where you cannot do so well?—A. Yes, without doubt.

Q. You are not in the same position as American fishermen; they have a good market and the fish at their own doors?—A. We have always got the fish, any amount of them.

Mr. TRESCOT. As you think Mr. Lavoie's testimony, he being a physician,

an, is not important, I will read you an extract from a report by Mr. Hitcher:

Setting bultows or trawls for codfish is represented to be a practice injurious to the fisheries, and has, on that account, been petitioned against. The department has inquired into this mode of fishing as practiced at various localities, but has not yet found sufficient reason for interfering with it to the extent of prohibition.

Q. As to fishing after 1866, just after the abrogation of the Reciprocity Treaty, are you not aware that from 1866 to 1869 our fishermen fished with licenses?—A. Yes, some took out license and some evaded it.

By Mr. Thomson:

Q. Did not a large majority, more than one-half, of the American fishermen fish without licenses?—A. I have always been under the impression that the largest part of the schooners evaded taking out licenses, from what I have heard from the captains themselves.

Q. In 1867, the year in which most of the licenses were taken out, did more than one-half of the American vessels take out licenses?—A. I cannot tell you whether half the vessels did so; but I am under the impression, from what the captains have told me, that they did not care about taking out licenses, and that they could do without them.

By Hon. Mr. Kellogg:

Q. Do you ever take to Montreal and Quebec fish prepared in the same way as that prepared for tropical markets, the West Indies, Brazil, and elsewhere?—A. No; we do not take to Montreal and Quebec fish prepared in the mode for warm climates. We take large, green fish for those markets.

No. 38.

JOHN SHORT, M. P., Gaspé, called on behalf of the Government of Great Britain and Ireland, sworn and examined:

By Mr. Davies:

Question. What is your occupation?—Answer. I represent the county of Gaspé in the Dominion house of commons.

Q. Have you been engaged in the fishery business for a number of years?—A. For about eight years I have been directly interested in the fishing business.

Q. At what establishment?—A. At the establishment of John Lebouvier.

Q. Is that one of the largest Jersey houses?—A. It was one of the largest Jersey houses.

Q. Did your business bring you into connection with fishermen, by which you obtained an acquaintance and knowledge of the fishery business?—A. Yes, a thorough knowledge.

Q. Over what extent does your knowledge extend and enable you to speak?—A. He had one establishment at St. Ann's de Monts, another at Griffin's Cove, another at Perce, and the chief place of business at Gaspé Basin. That would be along a coast-line of about 200 miles.

Q. How many boats are employed along that extent of coast?—A. I could not state positively.

Q. Can you give the Commission an estimate of the quantity of fish taken by your fishermen annually along the coast?—A. From Cape St. Anne to New Richmond the catch would be about 100,000 quintals.

Q. Where is New Richmond?—A. On Bay Chaleurs. There is Antigonish and the north shore of the St. Lawrence, from Mount Joli north-

westward, which will give 100,000 quintals, making, together, 200,000 quintals.

Q. The north shore of the St. Lawrence and Anticosti will give 100,000 quintals?—A. Yes, with the Magdalen Islands.

Q. What kind of fish is taken?—A. Codfish chiefly. Herring is the next catch in quantity and importance.

Q. You don't fish mackerel to any extent?—A. No.

Q. You don't go into it for the purposes of trade?—A. No we find the cod-fishery more remunerative.

Q. What is the value of those 200,000 quintals of fish?—A. The coast-value is about \$5 per quintal, which would give a value of \$1,000,000. The market-value is higher; it ranges from \$5 to \$8 per quintal.

Q. How far are those fish taken from shore by the fishermen? Take the north shore.—A. Principally and nearly altogether inshore.

Q. Now take the south shore.—A. From Cape Chatte to Cape Gaspé they are all taken inshore, and from Cape Gaspé to New Richmond the greater portion is taken inshore; some are taken on Banks.

Q. How much?—A. One-quarter, I suppose.

Q. So that nine-tenths of the whole catch are taken inshore?—A. Yes. When the fish are not inshore, and the fishermen fail to catch them, they go out to the Banks; but that is the exception.

Q. Do the Americans fish for cod to any extent?—A. On the Banks they do; not inshore to any extent.

Q. You are able to state the average number of the American cod-fishing fleet?—A. I don't know of more than thirty vessels.

Q. You are now speaking only of the fleet on Miscon Bank?—A. Yes.

Q. You don't know the number of the fleet in the whole Saint Lawrence?—A. I do not.

Q. There are thirty on Miscon Bank?—A. Yes.

Q. Miscon Bank is 100 miles from the shore, I believe?—A. Not so far; not more than 35 miles.

Q. Where do the American cod-fishermen get their bait?—A. They get a great quantity from the inshore fishery.

Q. Have you seen them catch bait?—A. I have seen them set nets, but not take them up.

Q. Have you any doubt that they do catch bait?—A. I have not. They often draw seines to shore for caplin and small bait.

Q. Could the Americans carry on the deep-sea cod-fishery without that bait?—A. Not with success.

Q. You are quite sure about that?—A. Yes; I have no hesitation in saying it could not be carried on.

Q. Will you state to the Commission the number of the American mackerel fleet which frequented the coast during the years you were in the fishing business?—A. I have seen myself from Gaspé to Point Malin, about 150 sail. I have seen even more than that number, but I will give that as an average. From Bay Chaleurs down to Cape Chatte and around Anticosti, I have heard from the Americans of about 400 sail.

Q. That number of vessels frequent the localities named annually?—A. Yes.

Q. You don't mean that that number would include the fleet about Prince Edward Island and Cape Breton?—A. I don't know much about that fleet. They may have changed ground, but I am not aware they did so.

Q. You are speaking of the localities named by you?—A. Yes.

Q. The average you place at about 400 sail?—A. Yes.

Q. You have often had conversations with American captains, I suppose?—A. Yes, very often; some men I saw year after year.

Q. You have talked with them about the result of the season's work?—A. Yes.

Q. Can you give the Commission any estimate of the average annual catch of these vessels?—A. It would be merely an estimate.

Q. From what they have told you?—A. Their tonnage would run from 60 to 120 tons. I would average it at about 75 tons. In estimating the catch, I could not place it at more than 700 barrels per season. That would leave a large margin for those not successful.

Q. To what countries do your large houses export the codfish taken by your fishermen?—A. Principally to South America, Brazil markets, Italy, Spain, West Indies, &c.

Q. Not any to the United States?—A. None whatever.

Q. Can you explain the reason?—A. In the first place, I think the fish are not cured in a manner which would suit the American markets; they are dried too hard. The market also is not as good, and the merchants can do better in other markets. I have heard that some have tried the American market; but that they failed to make it profitable. In one instance I know the result was such that they never shipped again. They lost money by transactions both on codfish and herring.

Q. A report was read by one of the counsel of the United States stating a very ridiculously small number of mackerel as having been caught by some fishermen on our coast; you don't prosecute the mackerel fishery at all, I believe?—A. No; except for bait.

Q. You have no doubt, however, that mackerel do frequent your coast?—A. I am quite positive of that. They are abundant there this year.

Q. Mackerel have come in very plentifully?—A. Yes; in every direction all round the coast.

Q. Is mackerel used largely as an article of bait?—A. While they are in season, and can be caught, entirely.

Q. But they are not caught by your people for other purposes?—A. No; except in bays where cod-fishing is not prosecuted.

Q. So the catch of your fishermen along the coast will be almost *nil* for the article of mackerel for trade purposes?—A. I don't suppose more than 50 barrels are caught for sale.

By Mr. Foster:

Q. During the last few years have not the American mackerel fleet ceased to come to your bay?—A. They have not ceased to come; they have diminished to a great extent, not ceased.

Q. How many vessels have you known to be there; we will take 1876 for example?—A. I should say that on the same ground where formerly there were 400 vessels, there would not be more than 100 in 1876.

Q. Do you think there are 100?—A. Two American vessels were in port. I was on board of one, and that was what the captain estimated as the number there; he said there were about 100 in the bay.

Q. What do you mean by the bay?—A. I mean Bay Chaleurs.

Q. Do you know the captain's name?—A. I do not.

Q. Was the estimate he gave you that there were 100 American vessels in the bay?—A. He said in the bay; I always understand that "the bay" means Bay Chaleurs.

Q. Is it not called Bay St. Lawrence?—A. Gulf is the proper name for it.

Q. Have you not always heard it spoken of as 'the bay'? When

Americans are spoken of as coming to the bay, don't they mean to Bay St. Lawrence?—A. Ship captains always call it the gulf.

Q. Is not the mackerel caught there known as bay mackerel?—A. Not to my knowledge; I never heard them so called.

Q. You wish the Commission to understand that the estimate you received from this American captain was that there were 100 American mackerel schooners in Bay Chaleurs last year?—A. That is as I understood it; not in Bay Chaleurs only, but along the coast up to Cape Chatte.

Q. Do you mean in the whole gulf?—A. Not in the whole gulf.

Q. What part do you mean to exclude?—A. It would include the waters between Magdalen Islands and Gaspé, including Anticosti.

Q. Then his estimate was that there were 100 American vessels in all that region of Bay Chaleurs and around the Magdalen Islands?—A. Yes; that is, I understood him so.

Q. Do you exclude or include the shore of Prince Edward Island?—A. He did not refer to them at all; it is further away from us.

Q. Within your own observation in 1876, how many American vessels did you see?—A. Not nearly as many as before.

Q. Not nearly as many as 100?—A. Not more than eight or ten; I have seen eight or ten off the coast in the offing.

Q. They were mackerelers?—A. I presume they were changing ground going from one place to another.

Q. In what month was that?—A. At the latter part of July and beginning of August.

Q. Do you know the fact that the mackerel-fishing last year was a total failure?—A. I have heard it was a very short catch.

Q. Nearly a total failure?—A. I understand so. We don't prosecute the mackerel fishery to any extent, and we don't notice it, commercially.

Q. How about 1875?—A. It was also a short catch that year. In 1874 it was better, but it was not a good catch.

Q. There has not been a good mackerel year within your observation and information since 1873, has there?—A. No; that is, not a very good one.

Q. The cod fishery has, on the whole, been in a prosperous condition in your vicinity?—A. Yes, it has.

Q. Increasing in quantity?—A. Yes, I think so.

Q. Almost invariably profitable?—A. Yes; there is an increase in number of boats every year.

Q. And the merchants have made vast profits?—A. They generally make very good profits.

Q. What percentage are the profits commonly estimated to be?—A. I don't know that the profits of prosecuting the fisheries are so very great. It is hard to say what they are, the cost of handling fish is heavy.

Q. I want to see whether you agree with Captain Lavoie's view, as stated in his report in 1876:

Whilst I am on this matter, I shall take the present opportunity to correct an error which I have made in my report of last year, with regard to the price of cod. In order to give an idea of the enormous profits realized by merchants from Gaspé in their dealings with fishermen, I was led to state, through an involuntary mistake, that the purchase-price, as well as the price of sale of fish, formed a net profit. This error was very properly pointed out to me; but every correction being made, there still remains about 100 per cent. profit on the sales of fish, and at least 50 per cent. on the sale of goods, which is not so bad after all.

Is that a correct estimate?—A. I should say not. It is exaggerated.

Q. How much is it exaggerated?—A. 150 per cent. is very much exaggerated.

Q. We will take goods ; what is the profit on goods ?—A. It is not a cash business and you cannot estimate the profits without you find out what the losses are.

Q. You are able to estimate it sufficiently to say that Mr. Lavoie's statement is exaggerated ?—A. After keeping the books of an establishment for eight years I can say it is largely exaggerated.

Q. If it is not 150 per cent., what is the percentage of profit ?—A. It is not more than 25 per cent. on a year's business.

Q. The magnitude of the cod-fishing business has been increasing ?—A. Yes.

Q. Do you agree with the last witness that you can always get an abundance of cod-fish ?—A. The catch varies, but when the catch is short on the south side of the gulf and river it is generally large on the north shore.

Q. There is an abundant supply somewhere ?—A. Yes. The fish change their grounds, but there is an abundant supply.

Q. So that in some quarters there will be a scarcity and in others a great abundance ?—A. A great abundance.

Q. Sometimes they won't come to the St. Lawrence and to Gaspé until late as August ?—A. Not so late as that.

Q. Here is what a government officer says about that matter :

When I visited the coast of Gaspé during the month of August, most of the fishermen had given up all hope ; afterwards fish were, however, caught near the shore, where, in ordinary seasons, they had disappeared for two or three seasons past. This led to the expectation that they would, in time, return on the Banks, where they could be caught, and that they would remain there longer than usual.

A. Given up all hope of a good catch ; not of catching some fish.

Q. I don't mean a solitary cod-fish every year, but I mean cod-fish in such a quantity as to be a good business ?—A. The catch was only one-half up to that date.

Q. The movements of these fish are past finding out, are they not ?—A. I don't know that.

Q. You cannot account for their appearance and disappearance at certain places, and their changes from year to year ?—A. I think so. They have their grounds ; they move to certain places on the feeding-grounds ; that is, the inshore fish. The inshore fish never go out into deep water, that is to the Banks, it is supposed.

Q. While there is always an abundance of fish, there is no counting that they will be found in exactly the same spots and in the same quantity ?—A. Not in the same quantity.

Q. You estimate the catch of mackerel at 700 barrels per season for each mackereler on an average ?—A. Yes, that would be two trips.

Q. To what year would that apply ?—A. It would apply to some years past, from 1857 to 1866.

Q. Your fishermen don't absolutely keep out of the Bank cod fishery, do they resort to it only when there is a failure of the inshore fishery ?—A. Yes, when the fish cannot be taken inshore.

Q. Has there been a disposition to cultivate the Bank fishery, as there has been in Newfoundland ?—A. By inshore fishermen, do you mean ?

Q. In Newfoundland they pay a bounty on every banker fitted out ?—A. There has been nothing in that way with us.

Q. Is it not understood that the Bank fishery is the most profitable provided there is capital, skill, and enterprise to prosecute it ?—A. Not with their means of prosecuting it ; that is, our inshore fishermen.

Q. With adequate means, is it not more profitable than the inshore fishery ?—A. I am not aware what the profits of the Bank vessels are.

No. 39.

JOSEF. O. SIROIS, merchant, Grande Riviere, county of Gaspé, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

To Mr. Doutre:

I am a merchant at Grande Riviere, county of Gaspé. I have employed men to fish for me round my neighborhood. I have fished on the south side of the River St. Lawrence, from Paspebiac to Cape Gaspé, a distance of about 90 miles. My fishing was done with small boats, each having two men; I generally have six of such boats employed fishing. I have carried on this kind of business during the last twenty years. It is cod we take on that coast. Cod is slightly more abundant than it was 20 years ago; it may be that each boat takes less, but the number of boats has considerably increased during that period. Part of the cod is taken along the coast, and the remainder on Miscou Bank. Cod is taken from one to two miles from the coast. They take about half their catch on the coast within the distance mentioned, and the remaining half on Miscou Bank. They take cod with bait consisting of caplin, herring, squid, smelt, and mackerel. The bait is obtained at from a quarter of a mile to two miles from the coast; it is very rare the fishermen would have to go out as far as three miles to take bait. American fishermen could not bring fresh bait from their homes. It cannot be kept with ice to be used advantageously for more than two days. The effect of placing bait on ice is to soften it so that it will not hold on the hooks. I have seen a number of American schooners fishing mackerel on the coast I have mentioned, and have myself counted 80 sail coming out of Bay Chaleurs to fish along the coast. At times when the fish were abundant, there were some 500 or 600 American schooners frequenting the coast I have mentioned. These vessels are 40 to 100 tons capacity. Americans bring their bait with them when they come mackerel fishing. Each American vessel takes from 400 to 600 barrels as a load.

Q. Do the Americans make more than one fishing trip a season?—A. I have heard that some of them make two and some three trips a year.

Q. Did you ever know of any Canadians fishing in American waters?—A. No, never.

Q. Judging from what you know of the mackerel fishery in your neighborhood, do you think that the Americans could profitably come on this fishery near your part of the coast, if they were prevented from fishing within the three-mile limit?—A. I do not believe that they could.

Q. Large establishments conduct the cod fishery at Gaspé and Paspebiac, I believe?—A. Yes; and all along the coast.

Q. They are interested, above all, in the cod fishery?—A. Yes.

Q. Do these establishments send their codfish to the United States or elsewhere?—A. I never heard of any being sent to the United States. The cod is generally exported to Brazil, Spain, Portugal, and Italy.

Q. What do fishermen like you do with the codfish they catch?—A. Some Canadians export, and others sell them to the large establishments of Robin and Boutilier and Collas, and to other houses.

Q. Do you catch every year more than you use?—A. Yes.

Q. You take them to sell?—A. Yes.

Q. How do you generally dispose of your fish?—A. I sell part

them, in the dried state, to Robin and Coy, and other parties; and the large fish, in the salt and green state, I send in barrels to Quebec and Montreal.

Q. For home consumption?—A. Yes.

Q. How many boats in your parish conduct a similar business?—A. About 150.

Q. What is the population of your parish?—A. About 2,000 souls.

By Mr. Foster :

Q. Do you know Captain Lavoie?—A. Yes.

Q. When did you see him last?—A. In my parish, about a month ago.

Q. Do you know where he is now?—A. No.

Q. Was he in pretty good health when you saw him?—A. Yes.

No. 40.

ABRAHAM LEBRUN, fish merchant, of Perce, county of Gaspé, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe :

Question. How long have you resided at Perce?—Answer. For a few years.

Q. Where did you previously reside?—A. On the north shore.

Q. On the north side of the river St. Lawrence?—A. Yes.

Q. Where?—A. At Sheldrake.

Q. How many years did you live there?—A. Ten.

Q. Are you thoroughly acquainted with the fishing grounds from Point des Monts to Sheldrake?—A. Yes.

Q. This is on the north side of the river St. Lawrence?—A. Yes.

Q. Since when have you had experience in this relation?—A. Since 1856.

Q. For how many miles have you knowledge of this coast?—A. For 80.

Q. You have been acquainted with it year after year during that period?—A. Yes.

Q. Are you thoroughly acquainted with the character of the fishing grounds on this coast?—A. Yes.

Q. What kind of fishing grounds are they?—A. They are reckoned to be the best in the world.

Q. For what fish?—A. Cod, halibut, mackerel, herring, squid, lantz, and caplin. These are found in abundance.

Q. What is the character of this coast with regard to the supply of bait?—A. Cod bait is always found there in abundance.

Q. During what periods?—A. The bait generally strikes in there about the middle of May; and it continues there until navigation closes.

Q. Does it ever fail?—A. I have never known it to fail up to the latter end of November.

Q. Is there any other sort of bait found at the mouths and on the bars of the rivers?—A. We have also clams in abundance. Salmon and trout are also found in these rivers. In fact, some of these rivers for fishing purposes are considered to be the best in the Dominion.

Q. When do the mackerel come on that coast?—A. Generally about the middle of July.

Q. And how long do they remain?—A. Generally throughout September.

Q. In what quantities do they frequent the shore?—A. In very large quantities. I have seen the mackerel there school for miles along the shore. They come all along the coast in great bodies.

Q. You have seen them school?—A. Yes; close inshore. The mackerel strike the shore and keep in close to it.

Q. How do you observe them?—A. They rise in what is called a school.

Q. What appearance does this give the water?—A. It looks as if a heavy gale of wind were passing over it.

Q. When you see the water in that condition, what does it indicate?—A. That a large quantity of mackerel are there in a body.

Q. How long does this continue?—A. They will school for a whole week at a time.

Q. This shows that the mackerel are schooling during that time?—A. Yes; and then they may disappear for some days. I suppose that they are sick during this space of time; but after a few days have passed they will be seen in the same way as was previously the case.

Q. Does this extend over the period you have mentioned, from the middle of July to the 1st of October?—A. Yes, generally. They will disappear at times for a week, and then they will all at once appear again in as a great force as ever.

Q. By whom are these mackerel fished for on that coast?—A. By the Americans in their vessels.

Q. At what distance from the shore do these vessels catch the mackerel?—A. From half a mile to a mile and a half, and often quite close inshore along the rocks.

Q. Have you ever known of any instance whatever of American vessels carrying on the mackerel fishery outside of three miles from that shore?—A. No.

Q. Is the shore on the south side of the river, from Cape Chate to Cape Gaspé, of the same character as the north shore?—A. Yes, as far as mackerel are concerned.

Q. Do these American vessels ever fish there farther out than three miles from the shore?—A. No.

Q. You never knew them to fish in any instance farther out?—A. No.

Q. Then, of course, the mackerel they catch are caught within three miles of the shore?—A. Yes.

Q. Are you acquainted with the nature of the coast, as regards the mackerel fisheries around the Bay of Chaleurs?—A. Yes.

Q. Where are the mackerel caught along the shore from Cape Chate to the Bay of Chaleurs?—A. They are caught along the coast and in the bay.

Q. The same statement is true with reference to the Gaspé coast?—A. Yes; the mackerel along these shores are caught inshore, within three miles from the coast.

Q. Are there any mackerel in this relation caught outside of the three-mile limit to your knowledge?—A. I am not aware of any being caught. I have repeatedly seen American vessels—especially when the cruiser swere in the bay—come inside of the three-mile limit, and questioning the skippers as to their reason for doing so, and thus posing themselves to capture by their presence in our waters, they explained to me that the only fish found outside of these limits were the which are called tinkers, a very small, and, as I suppose, the young mackerel, and that their only chance of making a fare was to come and

along the shore; otherwise they said they would have to go home without fare.

Q. Are you acquainted with the shores of the Island of Anticosti?—

A. I have been there.

Q. Are they of the same character as those which you have described?

A. The shores are of the same character with regard to fishing as our north shore, especially the north shore of Anticosti. This is a great place for halibut.

Q. Are halibut caught on the shores you have mentioned?—A. Yes.

Q. Halibut are caught along the north shore of the river St. Lawrence for the distance of 180 miles, to which you have referred?—A. Yes.

Q. And they are taken on the north coast of Anticosti, and along the south coast, and along the other coasts on the south side of the St. Lawrence, which you have mentioned?—A. Yes, sir; from Cape Chatte to Cape Gaspé; this is a celebrated coast for halibut.

Q. Are halibut caught on the shores of Gaspé and the Bay of Chaleur?—A. They are or have been caught there.

Q. By whom is the halibut fishery carried on?—A. Chiefly by the Americans.

Q. And how are they caught?—A. With trawls.

Q. What effect has their mode of fishing had on the coast as a halibut fishery ground?—A. With regard to halibut, it has injured the fishery.

Q. By what means?—A. By overfishing. Halibut is a fish which does not reproduce itself like the cod; and of course the fishing is thus affected and injured.

Q. By whom has this overfishing been done?—A. By the Americans.

Q. During how many years?—A. It has been the case as long as I can remember—that is from 1856 to the time when I left the north shore, 1873. They have frequented the coast from year to year.

Q. Is the halibut fishery carried on now on the south shore?—A. At present, halibut are very scarce there; but formerly they were very plentiful on this coast.

Q. By whom is the halibut fishery at present carried on?—A. I could not say whether it is carried on at present, but it has been carried on for years by the Americans, the same as on the north shore.

Q. You cannot speak with regard to the fishing on the north shore since you left it?—A. No; but when I left it the halibut had apparently diminished in number.

Q. What was the number of the fleet there?—A. Some 30 vessels ranged between the coast of Anticosti and our coast.

Q. On the north side of the St. Lawrence River?—A. Yes.

Q. Thirty vessels frequented that quarter?—A. Yes; for halibut.

Q. Is this, for them, a profitable business?—A. Yes; it must have been, for they have told me—and I suppose that they were not boasting—that some of their trips had been sold as high as 15 cents a pound in the American market.

Q. Give us some idea of the quantity they catch, if you can.—A. I could not do so.

Q. Perhaps you could give an approximate idea?—A. I could not.

Q. You never made any inquiry about it?—A. No.

Q. Do they trawl on your coast?—A. Yes.

Q. And the effect of this has been to damage the fishery?—A. It has been detrimental to the halibut fishery.

Q. Do any Canadian fishermen now take halibut or have they done so?—A. They do not fish for the special purpose of taking halibut.

There are no halibut fishermen there ; but numbers of our fishermen fish for cod.

Q. What do you mean by saying that the fishery there has been damaged ?—A. That the fish are not now so abundant as was formerly the case.

Q. What would be the effect if the fishermen desisted from fishing for a period ?—A. The fish would then, of course, increase in number ; this would be the case if they were left alone.

Q. You know how long this would be advisable ?—A. I should think the fishery would be restored in six years' time.

Q. It would then be as good as ever ?—A. Yes. If the fishing is continued as it has been carried on, I am afraid that it will lead to the complete destruction of the fishery.

Q. This will be the case if it is continued for some years to come, to as great an extent as was the fact when you resided there ?—A. Yes ; that will ruin the fishery completely with regard to this species of fish.

Q. In what kind of fishery have you yourself been engaged ?—A. In the cod fishery.

Q. Altogether ?—A. Of course, on the north shore, when we had a chance to seine mackerel, we did so.

Q. I believe that you are from Jersey ?—A. Yes.

Q. How many cod-fishing establishments are there on north coast ?—A. There are a great many. The coast is lined with these establishments.

Q. These are cod-fishing establishments ?—A. Yes ; some are larger and some smaller than others.

Q. How is the cod-fishing carried on ?—A. In boats.

Q. Do you know the number of boats engaged in this fishery ?—A. I should say that on the portion of the coast I have mentioned there would be 1,000 boats.

Q. Can you give us an idea of the average catch of such a boat ?—A. It would be one hundred and fifty quintals.

Q. How many men are in the boats ?—A. There are two men per boat. They generally reckon three men to each boat—two in the boat and one man on shore to cure the fish.

Q. And this business of catching codfish is carried on up to the present time ?—A. Yes.

Q. Is it in a prosperous condition ?—A. Yes.

Q. At the present moment ?—A. Yes.

Q. You have said that this coast is celebrated for furnishing a supply of bait. I take it for granted that the fish so procured is taken on shore ?—A. Yes.

Q. The whole of it ?—A. Yes.

Q. How does the prosecution of the mackerel-fishing affect the supply of bait for cod-fishing ; do you use mackerel-bait ?—A. Yes.

Q. Does the prosecution of the mackerel-fishing interfere in any way with the supply of mackerel-bait ?—A. It does.

Q. The Americans catch large quantities of mackerel on the shore ?—A. Yes. Of course, at a certain time of the year mackerel form the only bait that can be taken.

Q. You are intimately acquainted with that question ?—A. Yes, especially on the Gaspé coast and in the Bay of Chaleurs, at a certain time of the year the only bait that can be caught is mackerel ; this during times when herring and other bait fail. Then the fishermen rely on mackerel for bait.

Q. Then you say that there is a season when the cod-fishers depend for bait entirely on mackerel?—A. Yes.

Q. And during that period the large catch of mackerel taken by the American fishermen affects the supply of this bait?—A. Yes.

Q. To the detriment of the cod fishery?—A. Yes.

Q. Do you know the number of the American cod-fishing fleet in the bay?—A. I have heard from American captains who come to the bay—I have questioned them repeatedly on the subject—that the number of the cod-fishers was about 500—between 400 and 500 in the bay.

Q. Where do they procure their bait?—A. The generality of them procure it on the coast.

Q. How do they get it?—A. In nets. They take their herring in nets.

Q. And what else?—A. Squid; they also seine caplin on our coast.

Q. Do the Americans ever use mackerel for bait?—A. Of course; that they take.

Q. Do you consider that their right to procure fresh bait on this coast is a necessity to insure the success of the American cod-fishing fleet?—A. Yes.

Q. Why do you consider this to be the case?—A. It seems to me that it would be impossible for them to carry on the fishery if they had not the right to come on our shores for bait.

Q. Why do you consider that they cannot get it anywhere else?—A. They require fresh bait to catch codfish.

Q. Why must they get their bait here in these places on our coast?—A. Because they cannot procure it elsewhere.

Q. And during all this period and the number of years of which you have spoken, have the Americans been in the habit of getting it here?—A. Yes.

Q. And of catching it?—A. Yes.

Q. Where do they get the nets with which they catch it?—A. The bring them with them. I have besides seen them purchasing nets from merchants on our shore. When a vessel happens to lose its nets outside, they come in and buy nets from our merchants.

Q. Where did they get their bait after the abrogation of the Reciprocity Treaty?—A. They ran the risk of capture to obtain it within the three-mile limit.

Q. Year after year?—A. Yes.

Q. How do you know that?—A. I have seen them do so.

Q. They kept on doing so notwithstanding the abrogation of that treaty, in order to obtain fresh bait inshore?—A. They had to get bait whether they had a right to do so or not.

Q. Have you had any communication with the Americans on the subject?—A. I have.

Q. What do they themselves state about it?—A. That they had no alternative, but that they had to procure bait or else go without fish.

Q. Can you tell us what the usual fare of their cod-fishing vessels is?—A. As far as I have been informed by themselves, I should say that it is from 700 to 800 quintals.

Q. That is their average fare?—A. It was so reckoned by them.

Q. Is the cod-fishing business a certain business?—A. Yes.

Q. It is not a precarious business at all?—A. No; one year it will diminish, but it will not fail altogether, and the next year the fish will be more abundant. We generally have alternate good years—one year will be good and the next indifferent; but this fishery never fails altogether.

Q. And, generally speaking, is it a very profitable business?—A. It is a profitable business.

Q. Have you known of any exportation of cod to the United States during your experience in the cod fishery?—A. I am aware that a couple of assorted cargoes were sent there by one of our principal firms on the coast of Gaspé during the Reciprocity Treaty; but that is all I am aware of that has been dispatched to that market by our merchants. An American firm was established in Gaspé during the Reciprocity Treaty—in Gaspé Basin and the Bay of Chaleurs, but they only remained there for three years; and they used to export fish, cod and herring, to the States. Mr. Miriam was the principal in the firm.

Q. They did not find it successful?—A. They did not succeed, at all events; they only continued operations during three years.

Q. We understand that you ship fish in a dried and hard state to foreign markets?—A. We do.

Q. And where do you ship the green and large fish?—A. To Quebec and Montreal.

Q. You find this profitable?—A. Yes.

Q. And the best market for these fish?—A. Yes, for that quality of fish. We do so year after year.

Q. You have continuously a knowledge of the state of the American market?—A. Yes.

Q. And you find that the places you mention are the best market for your fish?—A. Yes, for green and pickled fish. We send the large table fish to Montreal and Quebec.

Q. These are large and green fish such as the Americans catch and use?—A. Yes.

Q. Did you ever hear of a Canadian vessel fishing in American waters?—A. No.

Q. Was the sending to the States of the two cargoes of which you have spoken a profitable enterprise?—A. No. I have heard the agent of these firms say that it did not pay, and that for this reason they did not make any further shipments to that market.

By Mr. Dana :

Q. When did you enter into business on the south side of the River St. Lawrence?—A. In 1856.

Q. You entered into business as a dealer in fish there?—A. Yes.

Q. And you dealt in mackerel, did you not?—A. Yes. When fishing we used to seine for mackerel on the coast when we had an opportunity for doing so.

Q. You had an abundance of mackerel on your coast?—A. Yes; they were very abundant.

Q. And you could always catch all you wanted with seines?—A. No, we could not—not as much as we wanted.

Q. But as much as you could find a market or use for?—A. I have seined as much as 50 barrels at one haul of the seine.

Q. What did you do with the mackerel which you caught on the north coast?—A. We sent them to Montreal, which was our market for them.

Q. In what state did you send them there?—A. In the round state and salted. They were not split up the back after the manner of the Americans. The belly of the fish was left open and they were filled with salt and packed in barrels.

Q. Did you keep any mackerel for bait?—A. O, yes; we used them for bait when we had no other bait.

Q. At what season of the year is there no other bait? You have none

tioned some six kinds suitable for cod-fishing?—A. Yes.

Q. During what period do you get nothing save mackerel for bait?—A. During August; bait is then scarce. When the mackerel are most plentiful it would seem as if they drive away all other bait.

Q. At all events other bait does then disappear?—A. Yes.

Q. And that is the time when you use your seine most actively?—A. Just so.

Q. Did it occur to you that by doing so, you were diminishing the amount of bait for the taking of cod?—A. No; it did not appear so to us.

Q. You did not think of it?—A. The quantity which we took with the means we had did not seem to have such an effect.

Q. Do you think that the seining of mackerel does sensibly diminish the amount procurable for bait?—A. When seining is carried on to excess, of course it would have such an effect.

Q. Has it ever, to your knowledge, been carried on to excess on the north shore of the River St. Lawrence?—A. I am not aware that such is the case, to my own personal knowledge, but I have heard that it has been done.

Q. I understood you to say that the catch of mackerel had caused a great diminution in the supply of bait for cod, and that the quantity caught was an evil and an injury; do you mean to say so?—A. Yes.

Q. Do you now say that the amount of mackerel caught has been sufficient to diminish sensibly the supply of bait for codfish?—A. This is the case, of course.

Q. In one sense that is true. Every mackerel taken makes one less in the ocean; do you think much of that aspect of the matter?—A. Well, no; I suppose not.

Q. You said that mackerel were not caught along the north shore in sufficient quantities to cause any particular inconvenience with regard to the finding of bait?—A. The fact that we confined ourselves to one cove or two on each side of us makes that true.

Q. Have you been at Seven Islands?—A. Yes.

Q. Did you hear any complaints from cod-fishermen there that they could not get mackerel for bait?—A. Yes.

Q. That it could not be found?—A. They said that they could not get it.

Q. There was enough mackerel everywhere; there was an abundance of them; and you have seen them extending for miles in the water?—A. Yes.

Q. Why could they not be got; you say there are plenty of mackerel?—A. Yes.

Q. What is the trouble then; had you not better alter that statement?—A. Which part of the statement?

Q. That there was such a diminution of the mackerel as to cause a sensible injury to the cod-fishery; do you not merely mean to say that there might be mackerel enough seined in certain localities as to create such a diminution for a time; did you mean anything more than that?—A. Well, on our coast of Gaspé that is the case.

Q. I am referring to the north side of the river. What do you mean then, that there might be such over-fishing for mackerel as to cause a temporary diminution in the amount of bait obtainable in certain places at certain times?—A. Yes.

Q. And there are mackerel enough on that coast to catch all the cod on the coast?—A. That is not exactly the case.

Q. Did you mean more than that there might be such over-fishing for and such an over-catch of mackerel as to cause a diminution of the

mackerel bait, which can be obtained at certain places in certain times?—

A. Yes.

Q. That is what you mean to say?—A. Yes.

Q. Did you ever sell clams to the Americans?—A. No.

Q. Have your people ever done so?—A. I have heard of our people selling them clams.

Q. When did you change your residence from the north to the south shore of the Saint Lawrence?—A. In 1873.

Q. Since 1873 have you had any personal knowledge, from personal observation, of the state of the fishery on the north coast?—A. No.

Q. Since you have been on the south shore, in Gaspé, or in that neighborhood, have you found the people there engaged in catching cod?—A. Yes.

Q. And not mackerel?—A. They do catch mackerel.

Q. But not to a great extent?—A. No.

Q. When you speak of having counted eighty American vessels in one day alone, in what year did you do so?—A. I am not aware of having said so.

Q. What did you state on the subject of counting eighty?—A. I am not aware of having said that.

Q. Did you at any time count as many?—A. O, yes.

Q. How long ago was that?—A. It was during the Reciprocity Treaty, and during the time when the cruisers were out. That was the time when the Americans were most numerous on our coast.

Q. That was before you left the north side of the river Saint Lawrence?—A. Yes; and also before I left the south for the north shore, during the Reciprocity Treaty.

Q. You left there in 1853?—A. It was in 1856. I then had opportunities of seeing the American vessels.

Q. Then your counting was done before you went to the north side of the Saint Lawrence, and while on the north shore?—A. Yes.

Q. You were on the south shore in 1875 and 1876?—A. I was there in 1874 and 1875.

Q. In the report of the Commission of Fisheries it is stated, on page 164, that—

From all accounts there appears to have been a large quantity of mackerel in Gaspé Bay about the end of July and the beginning of August; but owing to the great heat, they would not bite. Very few were caught, and the fish soon disappeared. Some fishermen claim that the steamers passing along the Gaspé Bay shores frighten the mackerel.

Q. Have you heard that the mackerel are so frightened?—A. I am not aware that it is the case.

Q. You have heard of it, have you not?—A. Yes; though I do not believe it. I think that something else besides the steamers frightens away the mackerel.

Q. Do you think that the reason why so few were caught that year was that they would not bite, or was it because there were not enough of them?—A. Well, it is very likely that they would not bite. That is the case with codfish, you know. Very often they are plentiful on the fishing grounds in shoal water. I have seen them as thick as two feet in depth on the bottom, and on trying to catch them with the hook and line they would not touch the bait.

Q. Do you know how hot it was down there?—A. They would not touch the bait at all, though they were as plentiful as they could be. One could not even see the bottom in two fathoms of water for them.

Q. Do you think it was the heat which prevented them from biting?—

A. I could not say. There are certain hours in the day when they will bite, and certain hours when they will not bite; and one thing they did was, the moment they saw the bait coming down to them, they would actually smell it, and turning round just give it a clip with their tail, and then go down and eat the bait after it was off the hook. I have seen that with my own eyes, and I would never have believed such a thing to be possible if I had not witnessed it; though a few hours afterwards they would bite ravenously.

Q. That was not the time or hour when they took their bite?—A. I suppose not. It was either before or after dinner, I suspect. When the codfish strike on the shore, it is just like a gale of wind on the water; you see nothing but the tails of the fish above the water. Such was the case in Sheldrake Bay. They come there playing with the lantz, and the water, as it were, resembles a pot when boiling.

Q. Do the people of Anticosti sell fish in the American market, or have they done so?—A. They are generally dealers of the merchants on the coast of Gaspé.

Q. They sell to the merchants there?—A. Yes, and ship to Quebec.

Q. There is not capital or enterprise enough among the mercantile houses on Anticosti to undertake the foreign trade?—A. There is; the merchants of the Gaspé coast have establishments there all along the north shore.

Q. What fishery do they mostly prosecute?—A. The cod-fishery.

Q. What do they do with them?—A. Dry them and ship them to Brazil, Spain, and Portugal.

Q. In the same way as your houses do?—A. These are our houses who have these establishments on the Island of Anticosti; a number of schooners from Gaspé also fish for Gaspé firms there, fishing during the summer and bringing their fish over to Gaspé in the fall.

Q. Do your people catch halibut on the Anticosti coast?—A. They do not especially fish there for halibut.

Q. They only do so accidentally?—A. Yes, at present, because they are now very scarce.

Q. Do you know how the mackerel fishing was on the shores of Anticosti during the seasons of 1875 and '76?—A. I do not.

Q. Have you ever heard it said that no mackerel were seen near that coast during the season of 1875?—A. I could not say.

Q. In order to send your fish to foreign markets—European and South American—you thoroughly dry them and you send them to Quebec and Montreal in as fresh a state as is possible?—A. We send them to the latter places in the salt and pickled state.

Q. And not dried?—A. We do send them dried; we dry the large table fish and send them to Montreal.

Q. But not so hardly dried as for tropical voyages?—A. No. We generally ship these large fish to Quebec and Montreal in the fall.

Q. They are not shipped there to be sent to foreign markets?—A. No.

Q. They are for home consumption?—A. Yes.

Q. Do you find that these markets are sufficient for the amount which you catch and prepare, in addition to what you send to West Indies and Europe?—A. Yes.

Q. At present?—Y. Yes. Those fish go throughout the Dominion to the westward.

Q. So you have no occasion at present, you think, to find a further market for the same kind of fish?—A. If we could find a better market of course we would take advantage of it.

Q. But you think that these places furnish at present market enough

for the amount of fish that you now catch; you said you sent all the fish you cure in the way you mentioned to Quebec and Montreal?—A. We send only a certain portion of our fish to Montreal. Quebec and Montreal would not, of course, be a sufficient market for the whole of our catch. The fish we send to Quebec and Montreal are fish which we cannot send anywhere else; for this reason, that these are fish caught late in the fall, and consequently they cannot be cured properly for foreign markets.

Q. When do you cure your codfish for the European, West Indian, and southern markets?—A. We so cure them until the latter end of September. Fish caught until then can be cured for the foreign markets, but after that they cannot. There is not afterwards sufficient time for curing for such shipping purposes.

Q. For the fish caught afterwards you wish to find a market nearer home?—A. Just so.

Q. You say that two merchants sent cargoes of that sort of fish to the United States?—A. The fish they sent, I think, were chiefly herring.

Q. Did they try cod?—A. I could not say.

Q. Do you know of any experiment made with regard to sending cod into the American market from your shores?—A. I know positively that Mr. Miriam, of the American firm, sent codfish there.

Q. But I mean by yourselves?—A. I am not aware that any of our folks did so.

Q. Mr. Miriam was on the coast for three years?—A. I think so.

Q. Was he not dealing in the American market?—A. O, yea.

Q. Was it not generally known among the people of Gaspé, and of that neighborhood, that he was sending codfish into the American market?—A. It was.

Q. Can you account for any well-informed merchant there being unaware of it?—A. They were perfectly aware of the fact.

Q. And they knew that these fish were prepared in the same way as you prepare them for Quebec and Montreal?—A. Just so.

By Hon. Mr. Kellogg:

Q. There was another company in Bonaventure, was there not?—A. That is the same company.

Q. Did they cure the fish for the Americans as they did for the southern market?—A. They cured them for the American as we cure them for the Montreal market. They generally bought their fish from the inhabitants of the country.

By Mr. Dana:

Q. Were you personally acquainted with the mode in which the fishery in the Labrador regions is carried on down to Blanc Sablon?—A. I believe so; I have carried on the fishery there myself.

Q. In the same way, substantially, as has been described?—A. Yes; it is our fishermen from Gaspé who go down there.

Q. And your dealers and your merchants in the same way as has been mentioned?—A. Yea. They have establishments and keep a number of boats there, in the same way as at Gaspé and on the Bay of Chaleur.

Q. On page 83 of the fisheries report for 1876 appears the following statement:

The fears entertained during the fall of 1875 regarding the probable trials to which the greatest part of the population of the north coast would be exposed, especially that of Point des Monts and Mingan, on account of the total failure of the fishery during the season of 1875, were unfortunately but too well realized, and no one can form an idea of the hardships and sufferings which these poor fishermen had to bear from the month of November to the 15th of July last.

This was in 1875?—A. I suppose so.

Q. Is that correct?—A. I think it is rather exaggerated. If that had been the case I think that I should have heard something about it.

Q. Did you ever hear anything about it?—A. I did not.

Q. You never heard of there being great want and suffering and hardship experienced as described?—A. No. He speaks of Mingan, but that, you see, is not a fishing station at all. This misery and suffering must have taken place among the Indians at Mingan, because Mingan is a station of the honorable the Hudson Bay Company.

Q. How is it at Point des Monts?—A. Point des Monts is not a fishing station at all. This is in the Province of Quebec.

Q. Was there no suffering on the north coast in 1875 and 1876?—A. I am not aware that I ever heard anything about it at all.

Q. The report continues:

It was really a painful sight to behold these men, women, and children, with ghastly faces and emaciated bodies.

WITNESS. I think that Commandant Lavoie exaggerates there.

Mr. DANA. The report further states:

This poor population received no assistance from the provincial government, and, as I stated in my last report, there was no locality which deserved it more. Several families from Moisie, Ste. Marguerite, and Seven Islands never saw as much as a thimbleful of flour for seven weeks, and were compelled to satisfy their hunger with boiled clams, painfully torn from the ice.

WITNESS. That was either in the winter or spring.

Mr. DANA. The report states it was from November to July. It further says:

These families had therefore reached the last degree of exhaustion when the first schooner arrived with provisions.

Q. Do you know of any vessel that arrived with provisions?—A. That would refer to a schooner from Quebec.

Q. Did she come from there?—A. That was likely the case.

Q. Do you know that it was the case?—A. I suppose it was. The first vessels that reach that coast in the spring are from Quebec.

Mr. DANA. The report continues:

At this supreme moment, when despair, increased by hunger, was on the point of taking hold of parents who could no longer procure their own food and that for their children, there were found inhuman merchants who were still cruel enough to speculate upon this distress and suffering. They were not ashamed to sell, by the weight of gold, the monthful of bread to these poor people who claimed assistance in their pressing need. One of these merchants sold barley flour \$8 a barrel; another was not ashamed to give \$3 for the skin of a silver fox worth fifty. During the month of July the position of that population had not improved, owing to the total failure of the cod-fishery.

Q. Do you remember that there was then a total failure of the cod-fishery?—A. No; I do not suppose that those people were fishermen at all. The writer evidently refers to the people who had been in the employ of the Moisie Iron Company. This company failed, I believe, in 1875, and those people had evidently been in the service of the company.

Q. They are all at the service of some large merchants?—A. But this was an iron company and not a fishing concern at all. I think they failed in 1875.

Mr. DANA. The report further states:

And when I visited Seven Islands and Ste. Marguerite, there were neither flour, meat, fish, nor credit with merchants. I found these poor people in such a state of destitution, that I took upon myself to assist about a dozen of them out of our own

stock of provisions. As most of these families hailed from Magdalen Islands, I advised them to return amongst their people. I promised, on leaving them, to engage their friends to send a vessel to fetch them back, which I easily succeeded in doing; and a few weeks afterward, most of the colony which migrated to Seven Islands had returned to Magdalen Islands, where it will be a standing lesson against any future attempt at emigration. In the other divisions of the north coast, such as those of Mingan and Bonne Esperance, the few barrels of flour which were distributed by the provincial government prevented such distress as that which was noticed at Seven Islands and Ste. Marguerite; still the arrival of the first traders was anxiously looked for. The failure of the fishery during the first months was not very encouraging, but things fortunately improved toward the end of the season, and fishing gave very satisfactory results.

WITNESS. The cod-fishery never fails.

Q. Do you think that such a failure is at any time likely?—**A.** No, it is not as long as there is bait with which to catch the cod. It is a fish that reproduces immensely—immensely.

Q. You do not think that there is any real danger arising from the use of the new method for catching cod?—**A.** I am not acquainted with these new methods. To which do you refer?

Q. I allude to some other way of catching them than with the hook. Do they fish for cod with seines?—**A.** They do on the north shore when the fish come in shore plentifully.

Q. Taking all the seining and all the trawling which you and the Americans have done, do you think that this threatens any real peril to the cod-fishery of the North American Ocean?—**A.** No, I do not think that any real peril is to be apprehended. Of course the number of fishermen increases every year, and the fish require to increase as well, because the population on the fishing coasts is increasing; and then from year to year of course the number of boats increases, while on our Gaspé shore the fishing is beyond question the backbone of the country; that is to say, it is to be mainly depended upon for the support of the people, because agriculture is not very much developed there, I am sorry to say, and this is a great detriment to the country, though it is not, rightly speaking, an agricultural country. The winter is too long and the summer too short for that.

By Mr. Weatherbe:

Q. I understand you to say that the destitution referred to in the report read arose from the failure of iron works?—**A.** Yes, I can prove that, because this took place at Moisie at the same time. At the same time I think that the report in question is exaggerated. This is my candid opinion.

Q. If I understood Mr. Dana's question it related to destitution among fishermen?—**A.** I understood it so.

Q. And when Mr. Dana continued to read from the report you suggested that this destitution was among the miners?—**A.** Yes.

Q. Owing to the failure of the company you mentioned?—**A.** Yes.

Q. Was the Moisie Iron Company an English company?—**A.** No, it was a Canadian company. Molson, of Montreal, was prominently connected with it.

Q. Did this company fail owing the men large amounts?—**A.** That is a question which I cannot answer.

Q. What did you hear about it?—**A.** I heard that the company failed and that in consequence a great deal of misery was entailed, because the employés numbered some 500 or 600 men.

Q. But the cod-fishery never fails?—**A.** No.

Q. And it never has failed?—**A.** The last sentence of the report reads

will convince you of that, when he says that at a certain time the fishing had improved, and that things were or would be all right again.

Mr. WEATHERBE. The report continues:

There may be a falling off in certain kinds of fishings, but those upon which the fishermen of this division mostly depend, such as cod and salmon fishing, were very satisfactory, as well with regard to the yield as to the value.

Mr. DANA. That was during the season of 1875—that is, the next year.

Mr. WEATHERBE. At the outset this remark is made:

On account of the total failure of the fishery during the season of 1875.

WITNESS. That never took place to my knowledge.

Q. And as parts where such total failure occurred, special reference is made to Point des Monts and Mingan?—A. They are not fishing-stations.

Q. Mingan is an Indian settlement?—A. Yes, the only residents of the place are Indians employed by the Hudson Bay Company.

Q. I believe that the gentleman who writes this report had not much experience in this business?—A. That report must contain a great deal of exaggeration. I am not aware of there ever having been such distress as is there mentioned. If this had ever occurred, I would certainly have heard something about it.

No. 41.

LOUIS ROY, of Cape Chatte, Gaspé, fish merchant, formerly fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre:

Question. What is your age?—Answer. Sixty-nine.

Q. Have you ever fished?—A. Yes. I have been a fisherman myself for about fifteen years.

Q. When you were young?—A. Yes.

Q. What did you do afterwards?—A. I traded with the fishermen.

Q. What kind of a trade? Did you trade in fish?—A. Yes.

Q. What part of the coast of the river St. Lawrence are you acquainted with?—A. From Cape Chatte to Cape Gaspé.

Q. What is the distance between those points?—A. About 140 miles.

Q. That is on the south coast?—A. Yes.

Q. Do you know anything of the north coast?—A. I have some knowledge of the north coast, but am not so familiar with it as with the south coast.

Q. What extent of coast on the north side do you know?—A. About 60 miles.

Q. That would make a length of three hundred miles of the river coast that you are acquainted with?—A. Yes.

Q. Is it to your knowledge that the Americans have been fishing on that part of the river St. Lawrence?—A. O, yes. They have fished near my place very often.

Q. When did they begin to fish on that part of the river?—A. About 1854.

Q. The time of the Reciprocity Treaty?—A. Yes.

Q. Until then you had never seen much of them?—A. O, yes. I saw many during the ten years previous to that.

Q. But they came in large numbers after that date?—A. Yes; they

came in large numbers for about six or seven years. But after that they came in less numbers.

Q. You mean during the last years?—A. Yes.

Q. At the time they were frequenting that part of the river, how many sails have you any knowledge of as visiting the coast?—A. From Cape Gaspé to Cape Chatte?

Q. Yes, and on the north shore also.—A. About 250 or 300 sails.

Q. Schooners?—A. Yes.

Q. What was the general tonnage?—A. About 70 or 80 tons.

Q. That is the average?—A. Yes. There would be some 50 tons and some 120.

Q. You say that many visited during one season?—A. From spring to fall? O, yes.

Q. After the Treaty of Reciprocity?—A. Not so much.

Q. You mean not so much after the treaty was terminated?—A. Yes.

Q. But during its existence?—A. Well, about the number I have stated.

Q. Were they fishing for fish to trade with?—A. Yes.

Q. What kind of fish was it?—A. Cod.

Q. Where was that cod caught?—A. Do you mean what distance from the shore?

Q. Yes.—A. Within three miles.

Q. Well, out of those 300 miles you have spoken of where could cod be fished for out off the coast?—A. Well, for about 15 or 20 miles of the north shore. On the south shore there are none at all outside. You can't catch them off beyond three miles of the south shore.

Q. Where are those fifteen or twenty miles?—A. From Mingan.

Q. Have you any knowledge of the catch that one of those schooners would take, neither the largest nor the smallest? Take an average.—A. About between 500 and 600 barrels, each vessel.

Q. For the whole season?—A. Yes; because some of them made two trips and some three.

Q. Well, then they would not take 500 or 600 barrels each trip?—A. No, no; I mean for the whole season.

Q. Is the cod as abundant now as it was thirty or forty years ago? Do you get as much?—A. O, yes, as much as thirty or forty years ago. I am sure of it.

Q. What kind of bait do you use to take cod?—A. Well, we use caplin, herring, and sometimes mackerel—launce.

Q. Squid?—A. Yes.

Q. Where is that bait taken?—A. Very close to the shore—within a mile.

Q. What kind of bait is required to fish for cod?—A. The kind I have said.

Q. But can you use salt bait?—A. O, sometimes we use it, but we don't do much with it. It is a very poor bait.

Q. Now, as to the mackerel, is that the fish for which the Americans were fishing on that part of the river?—A. Yes.

Q. Where is the mackerel taken generally?—A. It is within three miles, because always the fat mackerel is inside of a mile—close by.

Q. Well, from the knowledge you have of the locality, do you think you would see many American schooners if they were prevented from fishing within three miles of the shore?—A. No.

Q. Would it be profitable for them?—A. They cannot do it. They would not come, because they would not catch enough to pay expenses.

Q. Are many of your people denoted to fishing?—A. Yes; every one fishes. They must.

Q. Is it only for their own use, or to trade with?—A. To trade as well.

Q. Have you any idea what quantity of fish is taken by the Canadians in that part of the river?—A. O, yes; I have a memorandum here. I calculate that the catch of codfish from Cape Chatte to Cape Gaspé, along the coast, is about 220,000 quintals of dry fish, valued at \$4.50 a quintal.

Q. Do you know if much of that is exported to the United States?—A. Not at all; not any.

Q. As to mackerel, you can't say?—A. No. Do you not want to know what quantity is sent to Quebec and Montreal?

Q. Yes. Is that in addition to what you have already given?—A. No; that forms a part. The quantity of green fish that we send is about 3,000 barrels a year, and the quantity of large green fish in draft is about fourteen or fifteen thousand quintals. The large table-fish, dried fish, amounts to about 9,000 quintals.

Q. Well, altogether, it makes, you say, a quantity of ——.—A. I have not reckoned.

Q. But then this is exclusive of the quantity exported to other countries?—A. Yes; to be sure.

Q. Did you ever hear of any Canadian going to fish in American waters?—A. No; I am sure none go there.

No. 42.

MONDAY, *August 27, 1877.*

The Conference met.

JOHN F. TAYLOR, of Isaacs Harbor, in the county of Guysborough, N.S., fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. What has been your occupation?—Answer. A fisherman for the last forty years nearly, with the exception of 4 or 5 years, latterly, that I have been deputy gold commissioner.

Q. During these 40 years you have fished in vessels?—A. Yes.

Q. Your own?—A. Yes; I was part owner.

Q. Where, during the time you were engaged in the fisheries, did you chiefly fish?—A. In the Gulf of St. Lawrence principally.

Q. What kind of fisheries did you prosecute?—A. At some seasons mackerel and at others the cod fishing.

Q. Do you mean in the same year, that you prosecuted these different kinds of fishing?—A. Yes; in the same year. Generally in the spring voyage I would go for codfish.

Q. Where would you go on your cod fishing voyage? What part of the Gulf?—A. I would fish on the north side of Prince Edward Island, on Bradley and Oliphant Banks, and as far down as Gaspé and Bonaventure.

Q. Did you fish inshore for codfish?—A. No; I fished at a distance, 10 or 15 miles.

Q. On the Banks chiefly?—A. Yes, sir. Off Bonaventure there were fish in about 45 fathoms of water always. There were no special banks there. It was a fishing ground in 45 fathoms of water. Besides that I have always fished on some of the Banks.

Q. What time of the year would you get through your spring voyage?—A. In June. About the last of June we would get through.

Q. And then you would commence mackerel fishing, would you?—A. Yes.

Q. Where did you prosecute the mackerel fishing?—A. On the north side of Prince Edward Island, at the mouth of Bay Chaleurs, about Point Miscon, and on the north side of Cape Breton, from Cheticamp to Port Hood.

Q. How far from the shore did you generally take your mackerel catch?—A. From two miles to as near as we could go to the shore.

Q. Then, as I understand, you scarcely ever caught mackerel outside of two miles from the shore?—A. Very seldom.

Q. The catch, you say, in fact was from two miles to within as close as you could get to the shore?—A. Yes; as close as we could get without grounding the vessel.

Q. Was that your experience during all your voyages for mackerel, year after year?—A. With the exception of one year that was my experience.

Q. What year was the exceptional one?—A. I could not point out exactly the date. I think it was either 1850 or 1851. The mackerel that year were on the northern side of the river Saint Lawrence, that is, the principal part of what was taken, except it was very late in the fall.

Q. In which direction from Seven Isles, east and west?—A. Yes; from Seven Isles both east and west, between 9 and 10 miles off.

Q. Was this your own catch?—A. Yes; and of the fleet that was with me principally.

Q. How many were with you?—A. About 150 or 200 sail.

Q. American vessels?—A. Not all. There was about five or six Nova Scotia vessels, I think.

Q. All the rest of the vessels were Americans?—A. Yes.

Q. Well, you say that year was an exceptional one along this shore; you did not take these close inshore?—A. No; we fished them within 9 or 10 miles of the land on that shore.

Q. Do you mean within 10 miles and beyond 3 miles?—A. Yes; it was more than three miles out, perhaps 9 or 10 miles. That was what we used to judge ourselves.

Q. How long were you on that trip? Was it the whole season?—A. No; about three weeks, the mackerel lasted there that season.

Q. Where then did you go?—A. The next catch was on the north side of Cape Breton, late in the season—late in October. About the 18th of October they struck in there.

Q. Did they go inshore?—A. Close in. The closer you could get the better.

Q. They came close inshore?—A. Yes.

Q. Well, how many did you catch that time you went to the north shore of the St. Lawrence?—A. I think we had 120 barrels.

Q. You managed to get that in three weeks?—A. Yes; there were nine hands.

Q. What did you catch on the shores of Cape Breton inshore?—A. About 100 barrels; just 100 barrels.

Q. Then, I understand that all the years you have been fishing you never succeeded in getting them outside with the single exception of these years, 1850 and 1851?—A. Yes.

Q. That is your experience after 40 years' fishing?—A. Yes; from 1840 to 1854 that is my experience. Since that I have been in the bay

several times, not mackerel fishing but cod fishing. We always have to go inshore for bait, once or twice.

Q. Now, in all your experience, from what you have heard or from your own personal experience, did you ever know of mackerel being taken otherwise than inshore, except in those seasons you have spoken of?—A. No; I never knew voyages made offshore, except that one season.

Q. During that season that you say you got them offshore, do you know of your own knowledge whether there was any caught inshore at the same time that you were catching offshore?—A. There was not. They were scarce. There was a few taken on the south side of the St. Lawrence, about Fox River one or two days, but it was very few.

Q. In the fall of the year then they struck inshore?—A. Yes; they struck inshore on the north side of Cape Breton.

Q. Such another year as that you never knew before or since?—A. No; not that a vessel made a trip entirely offshore—a full trip—I never knew it.

Q. Will you tell me would it be possible, from your experience of mackerel fishing, for it to be successfully carried on, either by Canadians or Americans, unless they had the right to fish inshore?—A. No; they could not carry it on successfully. They could not carry it on at all, that is to make anything out of it.

Q. Now, with reference to the cod fishing, is it possible that that fishery could be carried on in the gulf at all, unless access were had to the shore for fresh bait?—A. In the gulf? It might perhaps be carried on in the Gulf of St. Lawrence. You can get bait a great deal of the time in nets. You can get bait enough very often to line-fish, but not for trawling, without access to the shores.

Q. Where do you get it in nets?—A. They sink them alongside the vessel. You will sometimes get pretty good hauls; sometimes you will be a week without getting any.

Q. Now I want to ask you whether any man in his senses would send a vessel out cod fishing upon the chance of getting bait out in the gulf if he might have to wait for a week?—A. No; I think the fishery is not carried on in that way.

Q. Well, in fact, where do the American fishermen get bait for cod fishing in the gulf?—A. They will run inshore.

Q. How far from the shore?—A. Sometimes as close as they can get. Perhaps closer than they can with the vessel. They will go in boats to get it.

Q. Is all the bait, as a rule, taken within two miles of the shore?—A. Principally all.

Q. Now, without that privilege could the Americans successfully prosecute cod fishing in the gulf?—A. Not successfully, sir. No; they could not. Formerly it was done when they hand-lined all their fish. When they caught them by hand-lines it used to be done. They used to get their bait alongside, but when they fish in trawls they can't do it at all. They can't get bait for trawls on the Banks, on any of the Banks in the gulf.

Q. When they fished with hand-lines didn't they come inshore?—A. Sometimes they came inshore and sometimes they sunk nets. The nets generally sunk to the bottom, or nearly to the bottom.

Q. How far was that from the shore?—A. On the Banks where they were riding.

Q. Formerly they could do that?—A. Yes.

Q. Was not that a risky business?—A. Yes.

Q. That is an uncertain business?—A. Yes. You might stay a week and get none.

Q. Now, I ask you again whether any person would prosecute that fishery if that precarious means were the only means of getting bait?—A. I would not.

Q. Do you think any prudent man would?—A. I think not.

Q. Then, in fact, unless they came close inshore for bait, they can only get a precarious supply on the Banks by sinking nets, and might have to wait a week without getting bait, if they did get it at all. Is that so?—A. That is so.

Q. Then do I understand that in fact to a prudent man it is absolutely necessary for the cod fishing in the gulf that he must have access inshore for bait?—A. Yes.

Q. Now, since the Washington Treaty they have the privilege, as you are aware, of transshipping their cargo, landing where they like, and sending them to markets, and going back to fish again. Is that, in your judgment, a privilege or not?—A. It is a privilege. I think, certainly, it is a privilege.

Q. A man can make two trips, two voyages, where he otherwise could make only one?—A. By landing and transshipping he can land in 24 hours. He can come in and land his cargo and be ready to go on the fishing-ground again.

Q. It is a valuable privilege, you think?—A. I do.

Q. Does it not enable a vessel to go back at once in the height of the fishing season?—A. Yes.

Q. What time, if they had to go back to the home port, would they probably lose, if they had not this privilege?—A. It takes about a fortnight to go to any of their ports pretty much. They can't be there and back again in less than that.

Q. Then that would be lost, and they save it by transshipping, do they not?—A. They need be away only two or three days by transshipping.

Q. Then it is a saving of ten days?—A. Yes.

Q. And you say it makes a difference of at least one trip in the season?—A. I think so, and more too.

Q. That much at any rate, and more too, you say?—A. I think so.

Q. Is it two trips?—A. No; perhaps not.

Q. But some years, I suppose, it would be two?—A. Yes; it certainly makes a difference of a trip.

Q. During the time you were actually engaged in the fisheries in the gulf, about what number of American vessels were there at the same time, year by year, in the gulf, putting a low average?—A. I think 400, or perhaps 450.

Q. Then at a low average you put down 450?—A. During the years from 1840 to 1854 I put it at that.

Q. That, you say, is a low average?—A. I think so. There were some years—one year—1,000 sail, some years 700, some years 800.

Q. Those are all mackerel fishers?—A. Yes; the mackerel fleet alone.

Q. What was the number of cod-fishers at the same time?—A. Perhaps 100 sail would be the average.

Q. That you think a low average for the cod-fishing fleet?—A. I think so.

Q. Do you know anything of what the cod-fishing fleet around Gaspe, Miscon, and along the North shore of the Saint Lawrence was during that time?—A. I used to see them when we would be over there. Down on Bradley and Oliphant and Bonaventure grounds, that was the regular ground, and along the north side of Prince Edward Island.

Q. And from your knowledge you fix the average at 100?—A. I think that was about the average. While the large fleets of mackerel-catchers were in, the average of cod-fishers would be about 100, but the cod-fishers increased afterward.

Q. What would be the average catch of each vessel, by the season, during your time, whether she made two or three trips?—A. The average?

Q. Yes; for the whole season; some would be more and some less, but strike an average?—A. 600 barrels, I suppose, would be the average.

Q. That is a low average, perhaps?—A. I think so.

Q. Are you not quite sure that you are within the mark, putting that as an average?—A. I think I am.

Q. When you put the average number of vessels at the low figure of 450, you don't mean to say it may not be more, but that you want to be within the mark; is that so?—A. 450 is a very low average, I should think. A vessel making two trips, you see, would have 300 barrels each trip. 300 barrels each trip would not be considered a heavy trip at all; but when they made three trips, perhaps there would not be quite so many each trip. They would go quicker.

Q. Does any of them ever make less than two trips?—A. No; they all calculated to make two trips.

Q. And some more?—A. Yes.

Q. Now put it at two trips, would not 300 barrels be rather a small catch?—A. Perhaps that would be an average. A good many used to miss the fish, you know. With a large fleet, of 500 or 600 sail, I would not say the average was more than I have named.

Q. You say you think that it is a low average?—A. Yes.

Q. When the fleet averaged 500 or 600 sail, as it sometimes did?—A. Yes.

Q. Then you are entirely within the mark as to the number of vessels, and of barrels caught, both?—A. Yes; I was pretty well acquainted with all the fleet at that time. I had a brother myself in a vessel out of Gloucester, and I was acquainted with a great many of the Gloucester vessels myself.

Q. As to the number of cod-fishing vessels, can you be positive upon that? You have put it at 100?—A. I could not be positive, except as to one year. I know that from some statistics they had among themselves when I was aboard of them. That is all the number that was in the bay. It was about 104 vessels that year. I do not recollect what year that was.

Q. That was one year that you ascertained the number?—A. Yes.

Q. Was that an exceptional year?—A. No, I think not.

Q. Since the Washington Treaty, in 1871, have the Americans come in much into Canadian ports for ice, bait, &c., for cod-fishing purposes?—A. O yes, sir; they get bait on our shores principally. Sometimes when they come from home they have bait, but when they refit with bait they come to our shores for it.

Q. Then do I understand that they come with bait from their own ports, but oftener they do not?—A. Sometimes they get bait at Grand Manan in the spring. Sometimes they get it at Prospect, and sometimes farther down the shore.

Q. Then they frequently come into British waters and get their first bait for the season?—A. Yes; very often.

Q. Do they get ice at the same time?—A. Where they can get ice they get it.

Q. I believe cod-fishing requires fresh bait, to be prosecuted successfully?—A. Yes.

Q. What bait do they use for cod-fishing?—A. Herring, mackerel, and squid; those are the principal baits they get on these coasts.

Q. Do they get squid in large quantities?—A. Yes; they haul herring sometimes in seines at Crow Harbor and Cape Canso. They get them in large quantities, quite sufficient to bait.

Q. Do they chiefly fish themselves for bait in our waters, or do they buy it?—A. They buy it.

Q. Do they fish at all?—A. I have never known them to fish for it.

Q. What harbors are you speaking of when you say you never knew them to fish?—A. I never knew them to fish in any of the harbors on the Nova Scotia shore for it.

Q. They find it cheaper and more expeditious to buy it?—A. Yes, sir.

Q. You never saw them fish for it?—A. No; I never knew they did, except in Newfoundland. I have a son who is now in the business, and he says they fish for bait sometimes there.

Q. Your own experience is that they buy it in Nova Scotia waters?—A. Yes; they invariably buy it.

Q. How old are you?—A. 62.

Q. What do you estimate the privilege to our fishermen of fishing in American waters within three miles of the American coast?—A. I never knew any of our people go there to fish. I have heard there was one went there last year.

Q. Did she make such a ruinous voyage that she never went there again?—A. I never heard the result.

By Mr. Foster :

Q. What kind of fishing did you begin earliest—cod or mackerel?—A. The first trip I went in a vessel I fished for cod.

Q. What year was that, your first vessel fishing?—A. 1838, I think.

Q. Did you then fish in company with the American vessels?—A. Yes, sir; in the Gulf of St. Lawrence I did.

Q. Were the Americans cod-fishing vessels?—A. Yes, sir.

Q. Now, at that time did you know of the American cod-fishermen buying bait in your waters?—A. No.

Q. They did not use to then?—A. No.

Q. How long ago did the American fishermen begin to buy bait in your waters?—A. It is about 20 years ago since they began to buy; 19 or 20 years.

Q. That carries us back to 1857 or 1858?—A. Yes.

Q. Now, where did they first begin to buy bait?—A. On this Nova Scotian shore, I think.

Q. At what harbors?—A. Prospect Harbor, Cape Canso, and every place where they could get it along the shore.

Q. Then the first twenty years of your experience the cod-fishing fleet of the States bought no bait in these waters?—A. I think not.

Q. Now about the bait that you had been accustomed to see used for the cod; you did not mention caplin among the fish?—A. No; well, they never bought caplin.

Q. Is not that a very necessary bait?—A. Yes; but the caplin are generally deep. They get them without buying.

Q. Did they have to have many caplin in those years?—A. No; there is no caplin on these shores. In fact, they don't answer for the Banks.

Q. Then they could contrive to get along without caplin bait?—

A. Yes.

Q. You have never been in the habit of using it much yourself?—

A. At Labrador, but not in the Bank fishery. I never used it there.

Q. Now about squid; how long can you keep that fresh?—A. Three weeks, in ice.

Q. Could not you keep it a little longer if it was well frozen?—A. No, sir; it won't keep longer than that well. I never could keep it as long as that myself.

Q. You used to have ice in your vessel; what was the tonnage of the vessels you fished in for cod?—A. Fifty or sixty tons.

Q. Never any larger than that?—A. Sixty tons, I think, was the largest.

Q. How early did the cod-fishers begin to use ice?—A. It is eighteen or nineteen years since I first knew them to use ice.

Q. Have you ever seen salted squid used?—A. Yes.

Q. Is it used a good deal?—A. Not a great deal; never except for the fall trip. It is used for the fall trip.

Q. They will keep how long?—A. As long as you want it. They have to save it. It has to be properly salted. Then it is soaked out and used for bait. It is a good fall bait, but it is not a bait in summer—salt squid; not a good bait.

Q. Do the people use poor mackerel a good deal for a cod-fishing bait?—A. They use it; not a great deal. Herring is the principal thing.

Q. They use some mackerel?—A. Yes.

Q. Don't they use the head of mackerel and the refuse when they can get it?—A. For trawling they do.

Q. Do your boats use it?—A. Not for hand-lining. They use it for trawling. It is no bait for hand-lining.

Q. Well, perhaps you will explain the difference, why it is good for trawling and not for hand-lines.—A. The fish pick it off the bottom on the trawls, but they won't touch it on the hand-lines. That is the reason.

Q. When you first began to fish for cod, how large was the American cod-fishing fleet?—A. About 100 sail.

Q. Have you ever known it to be much larger?—A. A little larger.

Q. When was it largest?—A. I think in the year 1838 there was the largest cod-fishing fleet I ever saw in the Gulf of St. Lawrence.

Q. Well, it was as great 20 years ago in the Gulf as now, quite?—A. Yes.

Q. More, did you say?—A. I don't know that it was more; perhaps there was more then.

Q. Then it comes to this, that during the first 20 years of your experience the American cod-fishing fleet, being as large as it has ever been since, did contrive to get along without either buying bait or procuring ice here? That is the result, is it not?—A. Yes,

Q. Now, as to mackerel-fishing, what year did you first begin to fish for mackerel; I don't mean in a boat, but in a vessel?—A. Well, I think I fished in 1838.

Q. And did you fish then in company with the American fishermen?—A. Yes.

Q. Do you happen to remember what bait you used there?—A. We used herring, pogies, and clams.

Q. Where did you get pogies?—A. From the Americans. I invariably got them from the American fleet. They brought them up for me, and sometimes clams.

Q. But herring you and they got here, chiefly?—A. Yes; although they brought herring from home part of the time, I believe.

Q. They brought it from home in the first instance, and afterwards procured it here as they wanted it?—A. Yes.

Q. Did you always fish with the American fleet?—A. I always fished mackerel with them; yes.

Q. What is the reason that this fleet all keeps together?—A. Well, the mackerel keep together.

Q. Does not a vessel do better fishing singly by itself? Don't they keep the mackerel together by the bait they throw over?—A. While there is a considerable fleet fishing at anchor, the mackerel will stay better than when there is a large fleet fishing adrift. When there is a large fleet fishing adrift they get scattered a good deal through the day, and the mackerel get scattered when there is one hundred or two hundred sail of vessels fishing among them in that way.

Q. Then the mackerel fleet keeps together on purpose, as a rule, doesn't it?—A. Yes; I think so.

Q. You kept with them on purpose, didn't you?—A. Well, I kept where there was likely to be the best fishing grounds; they, I think, did the same.

Q. But your experience was that having the fleet together kept the fish together better?—A. Yes; when at anchor. When they are drifting the fish become scattered.

Q. They have to drift away from shore?—A. Yes.

Q. The drifting is always from the shore?—A. No; not always.

Q. But it must be a little risky drifting to the shore?—A. O, no; only you must get under way in time. When the wind is on shore they have to drift to the shore.

Q. Did you ever fish at the Magdalen Islands?—A. Yes.

Q. How many times?—A. I cannot tell you how many times; some one hundred times.

Q. Then you went there every year a number of times? Every trip you went in the bay you would be there two or three times?—A. Yes; I hardly ever left without going there.

Q. Did you always go to Oliphant Bank and Bradley Bank?—A. No; not for mackerel. I always went there for cod-fish though.

Q. Your home is in Guysborough County, the next county east of this?—A. Yes.

Q. Now, did you have a pretty uniform course that you pursued in fishing when you left for mackerel?—A. Yes; according to the season of the year. We went to different places at different seasons of the year. We always went in the Gulf of St. Lawrence for mackerel. Sometimes we went up the north side of the island (Cape Breton) and tried at Port Hood, then at Antigonish Bay and Cape George, then up the north side of Prince Edward Island, and sometimes through the Straits of Northumberland, fishing down the north shore of the island. Then we went to Magdalen Islands. Sometimes we would fish a day or two on the north side of Prince Edward Island, and if the mackerel would not bite there we would go to Magdalen Islands.

Q. Did I understand that you never fished at Bradley or Oliphant Banks for mackerel?—A. Never, except for bait when cod-fishing. When we would wash down in the evening we would jig for bait; sometimes we would get it and sometimes not.

Q. Did you say caplin was not suitable for bank-fishing?—A. No; it is not a good bait for bank-fishing; they are too soft. They seldom or ever use them if they can get anything else; they use them for "shore"

ishing while they are fresh, but you can't keep them fresh for bank-fishing.

Q. How long can you keep them fresh?—A. I don't think you can keep them fresh at all for bank-fishing.

Q. Did you ever know them to be used except fresh?—A. Yes; the French have used them on the Grand Banks.

Q. Have you ever fished with the French?—A. I have been fishing on the Banks where they have been.

Q. Do they use fresh bait?—A. Yes; they do now; they didn't formerly though. I have known them use salt bait altogether.

Q. Do you approve of salting caplin for bait; do you think it is a good bait?—A. No.

Q. Then, you would not give much for caplin for bait, any way?—A. No; except on the Labrador shore, where they get it fresh.

Q. Or for inshore fishing?—A. Yes; it is good for that, the best they can get.

Q. State how far north the caplin is found, if you know?—A. I never saw farther north than Grosse Water. They are there some years, not all.

Q. Where is that?—A. It is north of the Straits of Belle Isle some distance—500 miles north.

Q. How far south is the farthest you ever fished, either in your own vessel or anybody else's?—A. I never fished south of the Western Banks here.

By Mr. Thomson :

Q. What Banks are you speaking of?—A. What is called the Western Bank.

Q. Do you mean La Have Bank?—A. That is part of it.

Q. Now caplin is got along the north shore of the Saint Lawrence; frequents that shore, does it not?—A. Yes.

Q. Don't you know that it is used in the spring altogether by the inshore fishermen?—A. Yes, altogether; well, not altogether; launce is used in the latter part of the voyage.

Q. But that is after the caplin is gone?—A. Yes.

Q. But while the caplin is there it is used?—A. Yes.

Q. Then squid, herring, and launce?—A. There is no squid there.

Q. Are you quite sure of that?—A. I am quite sure. I never saw any.

Q. But you do not undertake to say it is not there?—A. I undertake to say there is no squid from Cape Harrison to the Strait of Belle Isle. But there is plenty on the Newfoundland side.

Q. But not along the north shore?—A. No.

Q. How far down the north shore is Cape Harrison?—A. It is about 100 miles beyond Spotted Island. It is where the land turns off to the north on the Labrador shore.

Q. Is it on the River Saint Lawrence or in the Gulf?—A. It is 1,000 miles from the River Saint Lawrence nearly.

Q. Then it is away out in the Strait?—A. Away around. It is Hudson's Bay.

Q. From Cape Harrison you say to the Strait of Belle Isle?—A. Yes.

Q. But north of Anticosti, on the north shore, there is squid and caplin?—A. Yes.

Q. Along the north shore, then, from the western point of Anticosti, to the north of that and all the way to the westward, there is squid from there in along the north shore?—A. Yes.

Q. Now what would take you to Magdalen Islands? Was it on cod fishing trips?—A. No, mackerel trips principally.

Q. Do you take mackerel in there?—A. Yes.

Q. Close in shore?—A. Yes.

Q. Is not Pleasant Bay there?—A. That and Amherst Island was a very good fishing place, but there were others.

Q. How do you take them in Pleasant Bay? Do you seine them from the shore?—A. I never seined mackerel there, but I have netted them there inshore and I have caught them with the hook.

Q. Would you have to land to net them?—A. Yes.

Q. Did the Americans do the same thing; do they land and net them as you did?—A. No.

Q. Why? In those days were they not allowed inshore?—A. They never netted mackerel there to my knowledge in the years I was there. They would take them with a jig.

Q. Close in shore?—A. Yes.

Q. Did they land for the purpose?—A. No.

Q. Not in your time?—A. No.

Q. Speaking of the number of cod-fishing vessels, you did not speak of the last ten years with reference to these cod-fishing vessels?—A. Not particularly. No.

Q. For the last ten years you cannot say what number frequented the bay?—A. No.

Q. You don't know now?—A. I was in the bay six years ago. I know pretty well what was there. I was all over the bay myself, all through the cod-fishing grounds, for three or four weeks fishing there. That was the last time I was there. They fished altogether then with trawls.

Q. That was the last time you were there, over the cod-fishing grounds six years ago?—A. Yes.

Q. When did they first begin to fish with trawls?—A. They have been in use about ten years among our people and with the Americans on these coasts, or on these Banks, Grand Bank, Banquero, and the other places.

Q. Is it a destructive mode of fishing?—A. It takes the mother-fish of course, although I don't see that it is any more destructive killing the old fish than the half-grown ones.

Q. It destroys the mother-fish a great deal?—A. Yes.

Q. Where is the spawning-ground, to your knowledge?—A. From Point Miscou west is the spawning-grounds of these schools that migrate about these shores, from Point Miscou as far west as Cocaigne.

Q. Take Chedabucto Bay, is that a spawning-ground?—A. I never knew mackerel to spawn there but once, in any quantities.

Q. They spawn around the shores of Prince Edward Island, do they?—A. Not to my knowledge.

Q. Do they spawn in the Bay of Chaleurs?—A. Yes. Well, not in the Bay of Chaleurs, but westward of the mouth, there is about 25 or 30 miles of the coast which in spawning time is all white. I never knew them spawn anywhere in the gulf but there.

Q. If a witness stated that they spawned in the Bay Chaleurs as far up as Seven Isles, would you say that was wrong?—A. No, I would not say that was wrong.

Q. You have not examined up there to see?—A. No. I never saw them spawning in there; I have seen them nowhere else but where I have named.

Q. Did you ever fish yourself away up the coast?—A. Not a great

al. Every trip I have made I have been around the gulf once or twice. I would go in one side and out the other.

Q. What side did you generally go up?—A. New Brunswick and Quebec. We went in around Point Miscou and made that the rendezvous. Then we would fish out to the other side very often.

Q. In the bay the mackerel-fishing is all inshore?—A. Yes.

By Mr. Foster :

Q. At what date do the mackerel spawn?—A. From June 10 to June 15. There are a few perhaps that spawn after that; not many.

Q. Did you ever see their eggs in the water?—A. Yes; I have brought them up on my hooks.

Q. How large are they?—A. There is some difference in the size. The large mackerel spawn is the size of small pease; perhaps not so large as that. About the size of No. 4 shot. There is a small run of mackerel that spawn which is not so large as that.

Q. Compare the spawn of the smallest mackerel with the size of shot. Is it as large as No. 7 shot?—A. Yes. About a little larger than the shot on the table.

Q. What number would you call that?—A. I should think it was No. 6, I suppose.

Q. The smallest is about that size?—A. Yes; the largest would be nearly twice as big as that.

Q. Do you mean twice that diameter?—A. Yes.

Q. When you brought mackerel spawn up on your line, how did it come up from the bottom, on the hook?—A. Yes; in a mass.

Q. Caught on the hook?—A. Yes.

Q. How big was the mass?—A. Sometimes the size of that bottle (pointing to ink-bottle on the table about 4 inches diameter); sometimes 8, sometimes more.

By Mr. Thomson :

Q. How do you judge it was mackerel spawn?—A. I know the spawn of most kinds of fish.

Q. You have been forty years a fisherman?—A. Yes.

Q. The spawn that came up would be the same as you saw inside of mackerel you have caught?—A. Yes; I have caught them in the act of spawning.

By Mr. Foster :

Q. What do you mean by catching them in the act of spawning?—A. I mean that when I hove them on the deck they delivered their spawn.

By Mr. Thomson :

Q. You are quite sure it was mackerel spawn?—A. Yes; I have caught them when they would spawn on deck.

No. 43.

JAMES EISENHAUER, of Lunenburg, in the county of Lunenburg, Nova Scotia, member of the local legislature of Nova Scotia, called on behalf of the government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You are a member of the local legislature for the county of Lunenburg?—Answer. Yes.

Q. You have been in the fishing business for the last fifteen years?
A. Yes; fifteen or eighteen years.

Q. In what fish do you deal now?—A. I am dealing in cod, mackerel and herring, principally.

Q. To what extent do you carry on the cod-fishing business; how many quintals annually?—A. I ship 20,000 to 30,000 quintals annually of cod and haddock.

Q. To what parts do you ship?—A. To the West India market chiefly.

Q. Your fish are not prepared for the Brazilian trade?—A. No.

Q. You deal a good deal with the United States, I believe?—A. Yes, considerably.

Q. Have you any vessels now engaged in the mackerel-fishery?—A. No.

Q. You had formerly?—A. Yes.

Q. How many vessels engaged in the mackerel-fishery are there at Lunenburg and its vicinity?—A. Not many just now; a few years ago there was, I suppose, 20 or 25 sail.

Q. You, yourself, had some vessels engaged?—A. Yes; some years ago.

Q. Did they engage during the season, or only for a portion of the season?—A. Our vessels chiefly went on a cod-fishing trip for the winter trip; then, about September, they went for mackerel.

Q. Not before?—A. Some did; not many.

Q. Those you have been acquainted with, and your own, for how many weeks would they engage in mackerel-fishing in the year?—A. Probably six weeks or two months.

Q. What tonnage would these vessels be?—A. They would be vessels from 40 to 80 tons, I suppose.

Q. Now, where would they fish; what part of the coast?—A. Well, they would fish the first part of the season on the banks. The spring trip they would go on the banks for codfish.

Q. Well, but speaking of mackerel?—A. Well, in the Gulf of St. Lawrence, I suppose chiefly at Magdalen Islands and around the coast of Prince Edward Island.

Q. Where would they catch fish; on what part of the coast?—A. They would catch the bulk of the fish near the shore, as I understand.

Q. That is what you understood from those in the vessels?—A. Yes, from the Americans also.

Q. Did you ever hear of many mackerel being taken outside three miles?—A. I believe that some seasons they did take a few, but rather seldom.

Q. Would you consider it or do you know whether the Americans themselves consider it a business in which they could have profitably engaged if absolutely restricted from coming within three miles of shore?—A. Well, from what little conversation I have had with American fishermen, the idea they had was that it would not be worth prosecuting if deprived of that privilege.

Q. Would you spend a dollar on it?—A. Certainly not.

Q. Where would these vessels of yours fish for codfish before going on the mackerel voyage?—A. They would fish in the spring on the banks, and in the summer trip they would go to Bay Chaleurs or the Labrador coast.

Q. How many trips for codfish would they make before going for mackerel?—A. Generally about two.

Q. These vessels were from 40 to 80 tons?—A. Yes.

. What would be the average tonnage?—A. I suppose 60 tons would be a fair average, 50 or 60.

. What would be the average catch of codfish for each of those two?—A. 500 or 600 quintals.

. Then what would be the average for each mackerel trip?—A. Our vessels would only make one trip. I suppose they would average from 200 to 300 barrels.

. That is your own vessels and other vessels from Lunenburg having an average tonnage of, what would you say?—A. 50 or 60 tons.

. They would make an average catch of 500 or 600 quintals the trip, 1,000 or 1,100 codfish altogether, and 200 or 300 barrels of mackerel the season?—A. Yes.

. Would that be a profitable business?—A. Well, it would not be, I could say, very profitable that catch. Some seasons they would get a great deal more than that, but I am taking a low average.

. Some seasons they would catch a great deal more?—A. I have seen some vessels land over 2,000 quintals.

. These same vessels you spoke of?—A. Yes.

. How many mackerel?—A. Perhaps not any mackerel at all. They would fish later in the season, making three trips, probably, for codfish.

. What do you consider a fair average per trip for mackerel. Take American vessels. Are they better adapted than our own?—A. I think they are.

. What do you consider a fair average?—A. I should say about 200 barrels a trip.

. They make how many trips, do you know?—A. Those that follow mackerel altogether make, I suppose, at least three trips; some more, I have no doubt. The average, I should say, would be three or perhaps four.

. Now at present you are not engaged in catching mackerel?—A. No. Do you buy them?—A. I buy large quantities.

. Do you buy codfish more largely?—A. Yes.

. Now do you know yourself how many cod-fishers there are in our waters, how many sail?—A. I should say there must be 200 or 300 sail of cod-fishers, I think.

. That is on what coast?—A. The bulk of them go up to Bay Chaleur, look for codfish, or off the Magdalen Islands, some farther up. You include the bank fishers in your question?

. Well, yes, I did.—A. I should say more than that, if you take in bank fishing. Probably 300 or 400, if you include those that follow bank fishing.

. Well, now, where do these vessels get their bait?—A. Inshore, I think, the bulk of it. They get some west of this, at Liverpool and St. John's. They resort to those harbors for bait.

. Do you know where they get their ice?—A. They get ice all inshore. On our coasts?—A. I think the first trip in the spring they bring ice with them.

. These 300 or 400 vessels, do they frequent our Nova Scotia coast?—A. I think most of them do.

. Do most of them get bait and ice on our coast?—A. I think they do on Nova Scotia and Newfoundland. They get some from Newfound-

. Where do they get ice—in what ports?—A. They get it at Prospect, a little west of this, and some farther west, at Liverpool and Shelburne.

. Do they get their ice from these establishments on the coast where it is sold?—A. They buy the bulk of it, but they get some off the

mountains themselves where they can find it early in the spring. have known them take it off the mountains at Saint Margaret's Bay.

Q. Is it easily procurable there?—A. I think it is, in the spring ear

Q. How many miles is that from us?—A. About twenty or thirty miles.

Q. Is there a good harbor?—A. Yes.

Q. How do they get it from the mountains? Is it close to the shore?—A. Yes; pretty close to the shore. The high cliffs are very close to the shore, probably half a mile or a mile back.

Q. That ice they use for keeping the bait fresh?—A. Yes.

Q. Now you must be well acquainted with the business. I would like you to estimate whether you would consider it profitable to carry on cod fishing in these waters if prevented from taking ice here for their bait?—A. I don't think they could carry it on profitably. They would be obliged to refit with bait and ice, and it would probably take them ten days to a fortnight, to do that.

Q. Would it be a paying business?—A. I think not.

Q. Do the Americans use all the codfish they catch?—A. No; I think they do not cure a great many of the small fish they get. They use the large fish and throw the small fish away.

Q. Has that been the practice always?—A. I think it has been for a considerable time past. I know during the past year or two some of them have begun to save their small fish. Fish seem to have been getting scarcer during the last two years.

Q. What do they do with the small fish now?—A. They bring them into some of the ports and sell them.

Q. In Halifax, I believe?—A. In Halifax and round the coast. We bought a cargo the other day.

Q. You buy these small cod from the Americans?—A. Yes.

Q. Not only here but I believe you buy them also from the Americans in the States?—A. Yes.

Q. To any extent?—A. To the extent of 8,000 or 10,000 quintals the year before last, and we have purchased for several years past.

Q. Those cod are cured to the same extent they cure their cod generally?—A. Yes.

Q. What do you do with those fish?—A. We dry them a little better and then export them to the West Indies.

Q. Where do they dry those fish you buy in the States?—A. We bring them home and dry them.

By Hon. Mr. Kellogg:

Q. Do you speak of the small fish entirely?—A. I mean small and large.

Q. Do you mean both kinds?—A. Principally small fish.

By Mr. Weatherbe:

Q. Then those American fishermen do not throw away the small fish?—A. No.

Q. If there were more men like you, they would find it unprofitable to throw away the small fish?—A. I don't see why they could not utilize them if they would cure them properly. They have the West India market open for them.

Q. A good many witnesses from Gaspé and Bay Chaleurs districts have been asked as to why it was that they did not prepare their fish for the American market in a green state, instead of drying it hard and shipping it to foreign markets. Can you state to the Commission why it is that Canadians do not enter more into the exportation of codfish?

the United States markets?—A. One reason I should suppose is, at the United States market not being suitable for small fish they dry small fish and make them very hard and ship them to the Spanish market.

Q. Is there any other reason?—A. Another reason is, that they get a larger price than they would get in the American market.

Q. They get more money by shipping the fish to foreign markets?—A. Yes.

Q. Why don't you ship fish to the United States?—A. I think the American people catch about as many fish as they want. When they buy from us and sell us fish, it shows they cannot have a market for a great many more codfish than they have.

Q. I believe they re-export fish they get from us?—A. Yes.

Q. To a large extent?—A. Yes.

Q. During the existence of the Reciprocity Treaty was that the case?

A. I don't think it was.

Q. But since the Washington Treaty they have re-exported Canadian fish?—A. Yes.

Q. Have you re-exported Canadian fish sent to the United States to the West Indies?—A. Yes. We have done so several times with mackerel.

Q. You found it sometimes to your advantage to re-export Canadian fish sent to the United States to the West Indies, as well as buy fish in the United States and bring it here?—A. Yes.

Q. You don't know, perhaps, whether that was done in bond?—A. I think it was to some extent.

Q. Do you ever recollect re-exporting Canadian fish in bond?—A. No.

Q. Do you know whether the business of re-exporting Canadian fish is increasing in the United States?—A. I am not prepared to answer that; I am not posted in regard to it.

Q. In what bottoms are the re-exported Canadian fish carried?—A. We re-export them in our own vessels.

Q. When they re-export, how do they send them?—A. I fancy in their own vessels.

Q. Are you aware whether there are other Canadians or Nova Scotians who have re-exported Canadian fish sent to the United States?—A. I have known cases where it has been done. I know Halifax merchants sometimes do so when they cannot get in the United States the price they want for their fish.

Q. You have taken fish to the States and failed to get the price, and then sent them on to the West Indies?—A. Yes.

Q. Is that codfish?—A. No; mackerel.

Q. You are, of course, acquainted with the prices obtained for mackerel during the existence of the Reciprocity Treaty, and afterwards, previous to the Washington Treaty, and since the Washington Treaty?

Q. After the imposition of a duty on mackerel by the United States, do our fishermen obtain a less or higher price for their mackerel?—A. I think mackerel have been lower since the treaty than they were before, by experience.

Q. That is since the Washington Treaty?—A. Yes; I mean as a whole; taking an average, I think they have been lower than before.

Q. Were they higher on an average during the period of the imposition of the duty than under the Reciprocity Treaty?—A. I think so.

Q. I don't know whether you have examined your books as to that

point; I understand that is shown by all the books of fish dealers?—A. Yes.

Q. Do you know whether that appears from your books?—A. I never examined, but I remember it.

Q. You can substantiate that fact?—A. Yes.

Q. In regard to the theories set up as to the payment of the duty, who do you consider pays the duty? I am confining myself entirely to this question in relation to duties imposed on Canadian mackerel.—A. I don't consider the duty affects the price very materially.

Q. You don't think the duty imposed by the United States affects the price paid to our fishermen for their fish?—A. I think not. I think the supply, as a general rule, regulates the price. When there is a short catch of mackerel the price will be high, apart from the duties. I think the consumer pays the duty as a general rule.

Q. You are now speaking of mackerel?—A. Yes.

Q. And of mackerel imported into the United States from Canadian waters?—A. Yes.

Q. I suppose you take the fact that our fishermen obtained a larger price when the duty was imposed as an evidence in support of your view?—A. Yes.

Q. Do you consider the remission of the duties on fish entering the United States any advantage to Canadians, and, if so, explain how it is an advantage?—A. I cannot see any advantage.

Q. Do you believe there is any advantage?—A. I really do not.

Q. Assuming the American fishermen were excluded from the three-mile limit, do you consider that would be an advantage or disadvantage to Canadians?—A. It would certainly be an advantage.

Q. How would it be an advantage to Canadian fishermen?—A. It would give us the American market. Of course, the Americans would not be able to catch as large a quantity of fish. It would throw that market open to us, and it would also preserve the fishing-grounds to a certain extent.

Q. Would it give our fishermen higher prices for their fish?—A. Yes; it would be the natural consequence that the less quantity of fish caught the higher would be the price.

Q. But it has been said that might not be so in all cases.—A. There might be a heavy catch of fish in the United States a certain year, and the price might be comparatively low. I am speaking, generally, of an average catch.

Q. Do you know what quantity of mackerel is used in the United States?—A. No.

Q. If there was a very large supply the case might be different?—A. Yes.

Q. But you are speaking of the supply as we have it in our waters and the Americans have it in their waters?—A. Yes.

Q. Have you ever heard of a Lunenburg vessel fishing in American waters?—A. No.

Q. Did you ever hear of the Canadian vessel spoke of as fishing there?—A. I never heard of her.

By Mr. Dana :

Q. You are from the town of Lunenburg?—A. Yes.

Q. And are engaged as a fish merchant?—A. Yes.

Q. Have you ever been fishing yourself?—A. No.

Q. Have you kept any memoranda or documents from other persons, or any of your own, for the purpose of keeping yourself informed on the

subject of the fisheries, or do you depend on your memory?—A. I never kept any record.

Q. You never made it a point to study the laws which govern the fisheries; but you are prepared to answer in regard to free trade; have you made that a study?—A. I never made it a special study, but I have watched a little events as they occurred.

Q. You think in regard to mackerel, however, it may be as to all other things that are bought and sold, that it does not make any difference to the people of the provinces how high the duties are?—A. If the duty was \$10 per barrel it would alter the question.

Q. Why? Would not the consumer pay the \$10 per barrel duty?—A. I have been supposing the duty to be that of \$2 per barrel.

Q. Then you think the Americans might levy a duty high enough to make it injurious to the Canadian people?—A. I think if the duty was made very extreme it might have some effect.

Q. How? Did you not lay it down as a general rule that the consumer pays the duty?—A. On general principles the consumer is supposed to pay the duty.

Q. In regard to mackerel what do you say?—A. I am pretty sure that if they put on a duty of \$5 per barrel it would fall on the consumer in the end. But people get timid in shipping goods when the duties are very high. It affects people shipping to a country where the duty is very high. They do not understand that the consumer pays the duty as a rule.

Q. If they found out the fact that the consumer pays the duty, it would not make any difference how high the duty was?—A. I suppose so.

Q. Then the trouble is owing to the error and timidity of the people?—A. I suppose so, with some.

Q. There was a duty of \$2 per barrel imposed on mackerel before the Washington Treaty; if the treaty were suspended there might be such a duty imposed as Congress might agree upon. Now, do you mean to say that the fact that Congress cannot impose a duty on your fish under the treaty does not leave you in a better position than if Congress had the power to put on any duty it pleased, however large?—A. I think a very large duty would affect us some.

Q. It ought not, according to your view of the laws of trade, but it would, owing to the timidity of your people?—A. People generally get timid in regard to the duty being taken from the price they get.

Q. Do you mean to say that the fact of paying a duty of \$2 per barrel in place of nothing is no advantage in competing with American fishermen?—A. I look at it in this light: If you are shipping a cargo to the market of the United States, and there is a duty levied of \$2 per barrel, you argue that you must get so much money for it; that there is the duty to come out of the price, and you must get so much money to bring you out of the transaction. This causes the mackerel to be a certain value before you ship there, and this helps to drive the price up for the American fishermen. There are times when the duty would perhaps not affect it much either way, but speaking generally of an average catch, the duty, to a certain extent, helps to raise the price of American mackerel.

Q. You go into the United States market with fish you have caught and the American fisherman with mackerel he has caught, both being equally good; you pay \$2 per barrel duty to the government before you can sell your fish, and he pays nothing. Now, as a general rule, do you mean to say that it makes no difference in your competing with the American?—A. I don't think it makes much. If I have mackerel to

ship, and have duty to pay, I must get a certain price. If I could not get that price I would not ship them, and consequently it will make the market somewhat more bare, and assist the Americans to get a higher price. If I push the sale of my mackerel, it throws more on the market and makes the price lower for your fishermen.

Q. Would you put your mackerel on the market and sell them at a loss for the purpose of making the price lower for the American fishermen?—

A. No; I say we would keep our mackerel away until we got a certain price.

Q. Then is not the effect of a duty to make you hold your mackerel back?—A. Only for a time.

Q. Suppose you were not able to send them in for one, two, or three years?—A. We could not keep them that long.

Q. You say you would have to keep them till the price was sufficiently high?—A. We could not keep them two or three years.

Q. You would have to keep them away from the American market until the price rose high enough for your purpose?—A. Yes; I suppose; something of that sort.

Q. Would not that be an injury?—A. We might resort to other markets.

Q. You think you might make it up by sending them somewhere; but would you not lose the American market for that time? Have you thought of that?—A. I see the point.

Q. I wish you to think of it.—A. It has been my experience that we got a larger price for our mackerel when we had to pay duty than we have got since.

Q. What did the American fishermen get for their mackerel; did they not get the same price as you did, if equally good fish?—A. Yes.

Q. You do not get \$2 per barrel more in cash for your fish, if not better, than do the American fishermen?—A. No.

Q. Then it is a cause that operates on both. If you get a higher price the American does so also; is it not so?—A. My idea is that we must get a higher price than we now do under the treaty or we cannot afford to send the mackerel there.

Q. Can you compel the buyer to give you more because there is a duty imposed?—A. Not at all.

Q. Then where are you?—A. We can compel him to give more if he cannot get them elsewhere.

Q. If there were no American mackerel it would raise the price, duty or no duty, and the price may go up high enough to enable you, if you have no competition, to pay the duty and make money. If the purchaser is not willing to give you enough to clear all your expenses and allow you reasonable profit, then you can no longer carry on a profitable business, and it depends on what the purchaser is willing to give you for the fish. He cannot give you any more because you have duty to pay; but if mackerel are scarce then the price goes up in the ordinary way?—A. Yes.

Q. And it goes up to the American as well as the Canadian, if the fish are equally good, does it not?—A. Yes.

Q. Now, if the mackerel are plentiful the price usually goes down—I mean plentiful in proportion to the demand—and the price fall to you as well as to the American?—A. Yes; my opinion is we had better pay the duty and have our fishery.

Q. Then can you obtain your own price from the purchaser so as to pay your expenses and the duty, unless the Americans also get the same price for equally good fish?—A. My idea is that the \$2 duty

had to pay helped the Americans, to a certain extent, to get a better price for their fish.

Q. If you remained out of the United States markets altogether, would it not be still better for the Americans?—A. Perhaps it would.

Q. They would gain more by that than your paying the duty?—A. The American fishermen would gain by it, but not the American people.

Q. After all, the whole thing depends on the market-price, does it not?—A. To a certain extent.

Q. Can you force the market-price?—A. No.

Q. Then, when you say you would rather pay the duties and keep the Americans out of your three-mile line, you mean to assume that would give you, practically, a monopoly of the market?—A. I think it would, to a certain extent.

Q. How would it affect codfish, the Americans being kept outside the three-mile limit?—A. It would not affect cod to the same extent, because the Americans have a deep-sea fishery to fall back upon.

Q. Cod-fishery is mainly a deep-sea fishery?—A. They could get considerable codfish without coming inshore.

Q. There has always been an abundance of cod in the American market?—A. Yes.

Q. Therefore, you confine yourself to mackerel, and in the case of the mackerel, you assume that if the Americans were not allowed to fish within three miles of your shores, there would be practically none, or very little, American mackerel on the market, and you would have a monopoly. Is that so?—A. I think we would, to a considerable extent. The Americans have their own mackerel-ground, of course.

Q. What do you know about that ground?—A. I do not know much more than what I have heard.

Q. Do you know whether they have seines and weirs along the shore where they catch mackerel in abundance?—A. I understand they have lots of purse seines.

Q. And weirs on shore?—A. Yes.

Q. The Americans are a pretty enterprising people, generally?—A. Yes.

Q. And they would be likely to find mackerel if they were to be found?—A. Yes.

Q. Do you feel sure if Americans were driven out of your three-mile limit there would be no competition in mackerel?—A. It depends on the season. The Americans may have a very good season some year and get a very great many, and another year very few.

Q. If they got enough to supply the market you would not be able to go and compete with them with the duty against you?—A. Not if they got a very large quantity.

Q. If they had a poor season you would be able to go and compete with them with the duty on?—A. I think so.

Q. What is the reason of the falling off in the number of mackerel-fishing vessels. Take Lunenburg; you have said that 20 years ago, I think, you had a good many vessels there, and now you have scarcely any fishing-vessels?—A. I don't think I said that. I was alluding to the mackerel fleet.

Q. Have you many vessels engaged in the cod-fishery?—A. We have, I suppose, from 150 to 200 sail.

Q. At Lunenburg?—A. In the county.

Q. That includes what other ports?—A. All the ports in the county.

Q. It does not include Shelburne or Liverpool?—A. No; I think I would be safe in saying 150.

Q. How large are the vessels?—A. From 40 to 80 tons.

Q. Where do they fish?—A. On the Banks the first part of the season.

Q. What Banks do you mean?—A. Western and La Have Banks and Banquereau; sometimes they go to the Grand Banks, but they don't use the Grand Banks much.

Q. Do they go into the gulf?—A. Yes, in the summer.

Q. For cod?—A. Yes.

Q. How late are they employed in catching cod?—A. Our vessels do not fish later than September for cod.

Q. Then they go into the mackerel fishery?—A. Mackerel or herring.

Q. The same vessels?—A. Yes.

Q. Do you think the number of your vessels has increased or diminished?—A. They have not, I think, diminished.

Q. They have not increased?—A. During the last 10 or 12 years they have not increased much.

Q. Have they increased at all?—A. I don't know that they have.

Q. How about the vessels engaged in the mackerel fishery?—A. The mackerel fishery has pretty well declined with our people. They follow it very little; they follow the inshore fishery with boats and with hook and line.

Q. Is there a great deal of that done?—A. There is not a great deal of it. About this season of the year there are a good many boats employed. Mostly all the boats fish cod in the summer, and they go after mackerel when there is any on the coast.

Q. It is uncertain when there is any on the coast?—A. It is pretty uncertain.

Q. I suppose that the mackerel fishery all along from the Bay of Fundy, from Annapolis, along the coast to Halifax, is quite uncertain?—A. I suppose it is a good deal like other localities; some years we have good catches, and other years mackerel are scarce.

Q. Do you know any laws which govern that?—A. No, I don't pretend to be posted.

Q. How does your coast compare for mackerel, for instance, with the northern part of Prince Edward Island?—A. I think it is not such a good fishing ground as that for mackerel.

Q. You have said you bought cod and mackerel from the Americans?—A. Not mackerel.

Q. You have said you bought cod from the Americans?—A. Yes.

Q. That was because you had not enough of your own, I suppose?—A. Codfish were pretty scarce in 1874-'75 or 1875-'76. We knew the Americans did not much value their small fish, and we were induced to buy from them.

Q. You took your chance with the small and large?—A. We got some large also.

Q. For what purpose did you buy them, to dry and send away?—A. Yes.

Q. You put them into the quantity of fish exported from this region?—A. Yes.

Q. Do you know what the price of fish was at the Boston or Gloucester market at the time you bought those fish?—A. Yes.

Q. You would not give more than the market price?—A. No.

Q. Of late years Americans have begun to save their small codfish, have they not?—A. I think so, as far as I can understand.

Q. They use them for a good many purposes besides food—for oil for instance?—A. I am not aware they get oil out of them.

Q. They have factories all along the shore where they work them up?

—A. I am not aware.

Q. They extract the oil?—A. Our fishermen say they throw them right off the hooks; some of them don't even take the oil out of them.

Q. That was the case once; is it not the fact now that the Americans are saving their small fish?—A. I think they are.

Q. They sell a very considerable quantity?—A. Yes.

Q. Do you ever buy bait from the Americans?—A. We have bought pogies.

Q. I want you to explain if by saying you re-export Canadian fish, you mean you export fish out of the United States?—A. Yes.

Q. By Canadian fish do you mean fish caught in these waters or fish caught only by Canadian vessels?—A. We often send mackerel to the United States for sale. If we cannot get what we call a fair price, we re-export it to the West Indies.

Q. Those are cases where the consumer does not pay?—A. He does not pay if he does not eat the fish.

Q. Did that happen before the Washington Treaty went into operation?—A. Not in my experience; I think it was done to some extent before that. I was speaking of since the treaty.

Q. Do you mean that you send your mackerel to the Boston market, and finding no market, you export it to the West Indies?—A. We have done that several times. I am speaking of mackerel. We never exported codfish from there; but the cod we brought home and then exported it.

Q. Do you know any particular reason why you could not find a market for your mackerel in the United States?—A. The price was too low.

Q. Where did you buy the other fish which you exported?—A. At Boston and Portland and brought them down here.

Q. The codfish have been very cheap in the United States to enable you to do that?—A. It was not very cheap in 1874 and 1875.

Q. Were those the years you did it?—A. Yes; and in 1876 and some of it this year.

Q. Was not fish scarce in the States those years?—A. They were scarce with us. They did not attach much value to their small fish and did not appear to have a market for them.

Q. Those were what you brought down here and prepared for export?—A. Yes; only cod.

Q. You have never attempted yourself to prepare cod for the American market?—A. Yes; we have shipped there several times.

Q. How lately?—A. Not within two or three years; five or six years ago.

Q. What was the result? Did you find a fair market for your codfish?—A. Yes; we always shipped large and good fish.

Q. Did you dry them as much as those you send to the West Indies and the Mediterranean?—A. About the same as those we send to the West Indies; not so much as those we send to the Mediterranean.

Q. Why did you not continue to send codfish to the United States?—A. The fish are lower in price there than they were a few years ago.

By Mr. Weatherbe:

Q. In Nova Scotia are boats in the habit of catching mackerel on our own coast?—A. Yes.

Q. You don't consider mackerel as plentiful on your coast as at Prince Edward Island and in the other waters of the gulf?—A. No.

Q. Mr. Dana has persuasively suggested that the United States fish-

ermen might possibly catch enough mackerel for the whole United States market. If they could catch enough on their own shores and with their own appliances, that would modify your statement?—A. Yes; if they could do so.

Q. We assume they make the very highest catch ever made, one and a quarter mackerel annually for each of the forty-four millions of the United States. You don't know whether that is anything like what they would consume if mackerel were much more plentiful than they are? Do you understand that the supply of mackerel is large or small in proportion to the population of the United States?—A. It would be comparatively small.

Q. That is, procuring all the mackerel that can be obtained, you understand the supply is small?—A. Yes.

Q. And it is on that you base your estimate?—A. Yes.

Q. You don't know what the Americans catch in their waters?—A. No; I don't know exactly the quantity. I believe they are very scarce on their coast this year.

Q. Do you understand that from the Americans?—A. No.

Q. You are continually supplied with their prices of fish?—A. Yes; and I also keep posted as to the quantities in the market.

Q. And from that you learn that their supply has failed this year?—A. That it is very short this year so far; about one-third of that of last year; that is up to August.

No. 44.

GEORGE ROMERIL, agent of the firm of Robin & Co., was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Where are you stationed?—Answer. At Perce, near Cape Gaspé.

Q. How long have you acted as agent for Robin & Co.?—A. Twenty-one years.

Q. And you have a pretty good knowledge of the fishing business, as they carry it on?—A. Yes.

Q. They are one of the largest Jersey firms?—A. I believe that they are the largest in the bay.

Q. State the different stations which this firm has along the coast of Gaspé and other coasts of the Dominion.—A. These are Pasbebiac, Newport, Pabos, Grand River, Cape Cove, Anse au Beaufils, Perce, Carquette, Shippegan, Dock, Magpie, St. John's River, Natashquan, Cheticamp, Big Cheticamp, and Arichat.

Q. These are the different stations where the firms carry on business?—A. Yes.

Q. At present you are at Perce?—A. Yes.

Q. Is that one of their largest fishing establishments?—A. Yes.

Q. How many boats have you there?—A. Some 130 this year; last year we had more.

Q. These are confined almost altogether to the prosecution of the cod fishery?—A. Yes.

Q. Where do your boats fish?—A. With a few exceptions, within three miles of the shore.

Q. They make their catches generally within that distance?—A. Yes.

Q. You have no doubt as to the distance from the shore at which they

fish?—A. No; none whatever. I have no doubt that it is within the three-mile limit.

Q. How far from the shore would you say that they fish?—A. It is sometimes one mile, sometimes two, and sometimes less.

Q. It is either one or two miles from the shore?—A. Yes.

Q. How many men are in the boats?—A. Two are in each boat.

Q. What is their average catch?—A. About 125 quintals.

Q. At what time of the year do the men in these boats catch their fish?—A. We have two seasons—the summer and the fall fishery.. The summer season ends on the 15th of August and the fall season on the 15th of September.

Q. These boats take their catch for your firm by the 15th of September?—A. Yes.

Q. What do they do afterward?—A. We afterward give them the privilege of fishing for themselves free of all expense.

Q. After they have fished for you the men have the use of the boats free of all expense for the remainder of the season?—A. Yes.

Q. What do they do with the fish which they then catch for themselves?—A. They generally send them to Quebec.

Q. And do they find a ready market for them there?—A. Yes.

Q. Does this form a very important element in their means of subsistence?—A. They get their winter supply in most part with it.

Q. What is the average price that you pay for these fish?—A. We take them by the draught. Last year we paid \$2.80 per draught.

Q. How much is a draught?—A. Two hundred and twenty-four pounds, green.

Q. And it takes three draughts to make a quintal of dried fish?—A. No; but 1½ draughts, or three quintals of green fish.

Q. What is the average price per draught?—A. About \$2.50.

Q. And you have paid more?—A. Yes. I now allude to the average price.

Q. In addition to the boats do you employ vessels?—A. Yes.

Q. How many?—A. Eight or ten.

Q. Where do they catch fish?—A. On the Nova Scotia side.

Q. They catch fish in the gulf?—A. Yes.

Q. On the Banks?—A. Yes.

Q. You do not trawl?—A. Yes, some boats do, but not the schooners.

Q. Where do they get their bait?—A. In the coves along the coast.

Q. How do you cure the fish which you catch with the boats?—A. They are hard cured.

Q. They are dried in the sun?—A. Yes.

Q. Are fish caught in the vessels capable of being cured in that way?—A. They will not stand the hot climates.

Q. Suppose that the American fishermen should attempt to rival you in the markets to which you send your fish—Brazil, Portugal, and other places—could they do so, with what they catch in their vessels?—A. No.

Q. It could not be done?—A. No. Their fish would not be suitable for these markets.

Q. What is the term used for the fish caught and salted on the vessels?—A. Salt-burned.

Q. They have to be laid down in a large quantity of salt?—A. Yes.

Q. Is there any difference between the fish you get inshore and off shore?—A. Yes; our inshore fishery always furnishes our prime fish.

Q. Has the climate anything to do with the mode of the preparation of the fish for tropical climates?—A. Yes.

Q. And your climate is suitable for such preparation?—A. Yes.

Q. Is the Nova Scotian climate suitable for it?—A. This is not so much the case with the northwest side of Nova Scotia; the weather is foggy and very damp there.

Q. You mean that the climate is not so favorable for it there as on the Gaspé side?—A. Yes; our principal establishment is situated in Gaspé.

Q. Is the average catch of the boats 150 quintals?—A. No; but 125.

Q. Where are your principal markets?—A. Brazil is our principal market; then follow the Mediterranean ports and the West Indies.

Q. What is the general average export of your establishment?—A. About 80,000 quintals of dried fish per year.

Q. Does that include the export of the Nova Scotian branch of the establishment of your house?—A. Yes.

Q. What is the average price which you receive for your fish?—A. The price varies from \$4.50 to \$8.

Q. Did you ever ship fish to the United States?—A. Yes.

Q. Was the venture a failure or a success?—A. It was a failure.

Q. Why?—A. The prices we there received did not at all pay.

Q. And of course you then abandoned that trade?—A. Yes.

Q. What do your vessels catch outside of the three-mile limit?—A. About 300 quintals.

Q. Then nearly all the fish which you take and ship are caught within three miles of the shore?—A. I fancy three-fourths of our fish at least are so taken.

Q. Is there much difference in the results of the cod fishery year after year?—A. No; just as much fish are now caught as ever was the case.

Q. In making this statement, you refer to an experience of 21 years?—A. Yes.

Q. What is your evidence on this point?—A. That the cod fishery is not precarious.

Q. You have always an average catch?—A. It is always about the same.

Q. This fishery can always be depended upon?—A. Yes.

Q. Do those who engage in this fishery as a rule make a living?—A. A thriving fisherman will always make a good living about our coast.

Q. But what will a fair, average man do?—A. He can always make a good living.

Q. Has this fishery failed, and has there been a good deal of distress along the coast, as far as you can judge?—A. I have seen none of it so far.

Q. Are the stories which we hear about marvelous distress and starvation there known to you?—A. They have been unknown to me so far.

Q. I suppose that there are thriftless and shiftless men among fishermen?—A. The stories in question must have been exaggerated very much.

Q. You also ship cod-oil?—A. Yes; and in large quantities.

Q. Where do you send it?—A. To England.

Q. The cod-fishing business requires good bait?—A. Yes.

Q. Where do you get it?—A. Along our shore.

Q. What baits do you use?—A. Herring, caplin, lantz, squid, and mackerel.

Q. Are these baits plentiful?—A. Yes, in their season.

Q. As their season consecutively comes round?—A. Yes; they are always then plentiful.

Q. Do you use a good deal of mackerel for bait?—A. Yes, during his season.

Q. In what numbers are the mackerel found this year on your coast?—A. They are plentiful, and more so than they have been during other years.

Q. Would you say that this is a very plentiful season for mackerel?—A. Yes. Some years we have seen none of them at all.

Q. Has the American mackerel-fishing fleet much frequented the coast where you have been as agent?—A. Yes; and largely.

Q. What used to be their number?—A. Some years ago their vessels on our coast numbered from 300 to 400, if not more.

Q. In what immediate locality?—A. Between Perce and Paspebiac.

Q. They fished every year along this coast?—A. Yes.

Q. You saw them doing so?—A. Yes.

Q. Your business requires you to travel from station to station along the coast?—A. Yes.

Q. Then they were under your eye all the time?—A. In Paspebiac harbor there would be something like 200 or 300.

Q. Where were these 300 and 400 American fishing vessels taking mackerel?—A. Mostly within three miles of the shore.

Q. Have you any doubt as to the distance they were from the shore?—A. No; none at all.

Q. Could you have been mistaken touching this point?—A. No. I have seen some of their vessels within half a mile of the shore and mooring among the moorings of our boats.

Q. But were any of them outside of the three-mile limit?—A. No; and many of them were within a mile of the shore. Indeed, they were actually in the harbor.

Q. They were generally within your view, taking fish within the three-mile limit?—A. Yes.

Q. And your opportunities for seeing them were especially good?—A. Yes.

Q. You have been brought into contact with these American captains?—A. Yes; frequently.

Q. And you have, of course, conversed with them about their fares and chances?—A. Yes.

Q. Did you form from what they said any estimate as to the average catch of their vessels?—A. Not exactly; but I fancy from the conversations which I had with them that their catches varied from 250 to 400 barrels per trip.

Q. How many trips would they make a season?—A. Sometimes two, and sometimes three.

Q. Then they would average 300 barrels a trip?—A. Yes. I think that 700 barrels a season would be a fair average with them.

Q. And these fish are all taken from half a mile to $2\frac{1}{2}$ and 3 miles from the shore?—A. The great part of them are.

Q. Have you seen their vessels fishing and drifting off shore?—A. Yes; that is their custom.

Q. Did you know anything about the American cod-fishing fleet?—A. We only see them when they come in for bait. Often no bait is to be had on the Banks.

Q. And most of them come in for it?—A. Yes.

Q. Could they carry on the cod fishing here if they could not so come in?—A. I do not think so.

Q. How do they get it?—A. With nets and by purchase.

Q. What kind of bait do they use?—A. Herring mostly.

Q. Without this privilege I understand you to say they could not carry on the cod fishery at all?—A. I do not think that they could do so if they were deprived of it.

Q. Have you any doubt on that point at all, in view of your long experience as an agent of the firm mentioned?—A. No.

Q. Do they bring herring-nets with them?—A. Yes.

Q. And catch the fish themselves?—A. Yes.

Q. Within what distance from the shore?—A. The nets are all set within two miles of the shore.

Q. They also get ice from you?—A. Yes; often.

Q. And preserve their bait with it?—A. Yes.

Q. Have you known any fishermen go from your neighborhood to the American markets?—A. No; never.

Q. Is the American market of any advantage to you, and your large firm, or to any other fishermen?—A. It is of no advantage whatever to us.

Q. Why?—A. Our fish are not adapted to their market, and the prices which we can obtain there are not sufficient.

By Mr. Foster:

Q. You said that you sent a cargo of fish to the United States market, and that the venture proved a failure?—A. We sent more than one cargo there.

Q. When did you do so?—A. This was 10 or 12 years ago, I suppose.

Q. How were the fish prepared?—A. We sent pickled herring.

Q. Did you ever try the American market with codfish?—A. No.

Q. And you have never prepared cod in the way in which they are prepared for the American market?—A. No.

Q. What do you give the fishermen besides the free use of the boats after the 15th of September?—A. They have the rigging and boats free of charge.

Q. How long can they use them?—A. For a month and a half.

Q. What do they do with their catch taken during this time?—A. They export it to the Canadian market.

Q. Do they send it direct to their market?—A. Yes.

Q. To what firm are they sent?—A. They are sent to different firms. Two or three fishermen club their catches together, and one goes up with the lot.

Q. How much would they catch on the average during the period first mentioned?—A. Some have been known to take as much as 40 or 50 draughts.

Q. What would be their average catch?—A. I suppose 35 draughts.

Q. You have spoken of the Gaspé climate as being excellent for the drying of fish?—A. Yes.

Q. While the climate on the Nova Scotia shore is poor for that purpose?—A. Yes; it is damper, and foggy.

Q. Would you be surprised to hear that the climate of Newfoundland is remarkably good for that purpose?—A. I could not speak on this point regarding the northern coast of Newfoundland.

Q. You say that a thriving fisherman on your coast always makes a good living?—A. Yes.

Q. Has the principal of your firm bought up a great deal of land in your neighborhood?—A. Yes.

Q. He owns a large part of the land along the coast of the F r of Chaleurs?—A. He has a large tract there.

Q. The following extract is to be found on page 48 of the report of the Commissioner of Fisheries for 1876:

In my last report I explained how the founder of a firm, which has since become most powerful, had instinctively found the means of keeping these fishermen under its power, in diverting them from agricultural pursuits, and in securing to his own account most of the lands bordering on Bay des Chaleurs. The possession of land insures independence; whoever is a proprietor is free. Mr. Robin was aware of the wisdom of this truth inscribed in the history of every people; and he began his operations by monopolizing the labor of each individual who was doomed to come in contact with him. Thus it is that fishermen from Gaspé and Bonaventure remained poor and in a state of dependency, while these firms grew richer every day.

Is that true?—A. That is Captain Lavoie's statement. It is quite incorrect.

Q. Have you recently seen any American cod fisheries on your shores?—A. We have not seen many of them there of late years. We have seen a few latterly, but not many.

Q. From what part of the States do they come?—A. I do not know.

Q. How long has it been since you have seen an American mackerel fleet off Gaspé?—A. Some American vessels are there every year. A fleet of them was there before I came down.

Q. How many were there?—A. Seventy or eighty.

Q. That is this year?—A. Yes; in the Bay of Chaleurs.

Q. How many of them did you see last year?—A. I could not say; probably about 100.

By Mr. Davies:

Q. And how many did you see there the year before?—A. I then saw about the same number.

Q. I have heard it stated by a previous witness that you paid the fishermen last year too much for their fish?—A. We are blamed for having done so.

Q. Did you, at the time, look at the market price which you received?—A. I think so.

By Mr. Foster:

Q. Then you did a losing business last year?—A. Yes.

Q. When you balanced your profit and loss account at the end of the year, were the results for 1876 worse than those for 1875?—A. Yes; and much more so.

Q. You made no profit for the year 1876?—A. No; none at all.

Q. And you actually lost money?—A. Yes.

Q. You were poorer men at the end than at the beginning of the year?—A. Certainly.

No. 45.

TUESDAY, *August 28.*

The Conference met.

WILLIAM MACDONNELL, trader and formerly fisherman, Argyle, Pictou County, Nova Scotia, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you been many years engaged in fishing?—Answer. I have.

Q. How many years?—A. I went fishing from the time I was 14 years of age until I was 32.

Q. Are you now engaged in fishing?—A. No, I traffic in fish somewhat.

Q. You are not now actively engaged in the fishing business?—A. I have not caught any fish for 8, 10, or 11 years.

Q. When you were actively engaged in fishing, in what part of the world did you fish?—A. I sailed out of Gloucester, Mass.

Q. And where did you fish?—A. Chiefly in Bay Chaleurs after mackerel, and in North Bay, as they call it.

Q. In the Gulf of St. Lawrence?—A. Yes.

Q. Were you in American vessels all the time?—A. All but the three last years.

Q. You went fishing as a hand when you were about 14 years of age?—A. From 14 until I was 19 years, when I became a master.

Q. Do you remember what vessel you first sailed?—A. I went when 14 years of age in the Bridget Ann, Captain Charles Macdonnell, and shipped from Port Hood, Cape Breton.

Q. In what part of the gulf did you fish?—A. The first fare we caught on Bank Bradley, and some in Bay Chaleurs; I cannot remember the quantity.

Q. That was spring mackerel?—A. Yes.

Q. How many trips did you make that season?—A. Three successful trips.

Q. Where did you take your next fare?—A. We caught 330 barrels at anchor, with our vessel sprung up close in to the Bird Rocks, Magdalen Islands.

Q. Where did you take the third trip?—A. At Margaree Island and Cheticamp, close inshore. All mackerel caught at Margaree Island and Cheticamp are caught close in.

Q. How far from the shore?—A. Two miles; sometimes so close that you are afraid the vessel will strike the shore.

Q. They are taken within two miles, half a mile, or a quarter of a mile from the shore?—A. Yes, that is as a general thing. Probably there may be some mackerel outside, but generally American vessels go inside to catch them. We caught the whole of our third trip there; it was very late in the season, 15th September.

Q. Was the quantity you caught about the average catch of the fleet?—A. We got more than the average catch; we made three trips, and I don't know but one other vessel that made three.

Q. That was the year of the American gale?—A. Yes; it was the year of the great Yankee gale.

Q. In 1852, what vessel were you in?—A. The schooner Charles Rubin, the same captain; my brother was master.

Q. How many trips did you make?—A. We made one trip that year.

Q. Do you remember how many barrels you caught?—A. We got one fare, some 300 barrels, I think.

Q. Where did you catch them, in relation to the shore-line?—A. We caught the greatest part of them in the fall; we did nothing the first part of the season; we caught the biggest part at Margaree Island, inshore.

Q. In what vessel were you the next year?—A. The schooner Sunbeam.

Q. Were you in the bay all summer?—A. Not all summer; we came some time in August, and we made but one trip.

Q. Where had you been before that?—A. On the Western Bank and Sable Island Bank.

Q. Then you went into the bay only for the fall trip?—A. Y-

Q. How many barrels did you get?—A. We got one fare, about 300 barrels.

Q. Where did you take that fall trip?—A. I think we caught the greatest part of them between Cheticamp and Margaree. All vessels in the fall of the year generally catch mackerel there; it is near a harbor, and they generally fish there so that they can make a harbor when blows. That was the case when I went fishing.

Q. You caught your fare there?—A. The biggest part; we may have caught some few elsewhere, but I well remember we got the biggest part of our fare in the fall there. The first part of the season we got nothing. All mackerel got at the Margaree Island are obtained within three miles of shore; some people have made calculations and said they were caught five miles out, but there are none caught five miles from shore. The mackerel come inshore there.

Q. Is there very great difficulty in telling the distance you are from the shore?—A. I never had much difficulty; I could generally tell whether I was one, two, or three miles out. It is a matter of opinion.

Q. You have not much doubt you could tell correctly?—A. I think I could tell within 100 yards. I generally knew whether I was three miles out or not.

Q. In what vessel did you sail after the Sunbeam?—A. In the Quickstep.

Q. How many trips did you make?—A. Two.

Q. What was the catch each trip?—A. The first trip we did not do much, and were not very successful; we secured 150 barrels. On our last trip we got 250 barrels off Cheticamp Island, Cape Breton shore, about 20 miles east of Margaree; they were taken close inshore.

Q. On the first trip did you seine them inshore?—A. We seined them in Bank Bradley.

Q. Was all the second trip taken off Cheticamp?—A. Yes; in fact we caught half of the trip close in the mouth of Cheticamp harbor, an unusual place to catch mackerel.

Q. In what vessel did you sail next year?—A. The Arbutus.

Q. How many trips did you make in her?—A. Two.

Q. What was the catch?—A. Two fares, 300 and 350 barrels.

Q. How far from the shore did you take them?—A. The last trip we caught off Margaree Island and Cheticamp.

Q. Close inshore?—A. The first trip we caught round perhaps some of the Magdalen Islands and East Point.

Q. During those five years you were a hand, did the rest of the American fleet fish in the same places as you did?—A. Yes; sometimes there would be 100 sail of American vessels in sight; at Margaree Island I have counted 200 vessels.

Q. Where were the 200 vessels?—A. Right round on the same ground as we were in.

Q. Right close to the shore?—A. Yes.

Q. Have you seen them yourself?—A. Yes.

Q. You have no doubt they got fares there?—A. I could not say they took all their fares there, but I have seen them there; they may have caught some fish in other places.

Q. In what vessel were you next year?—A. In the James Seward.

Q. How many trips did you make in her?—A. Two trips.

Q. What was the result each trip?—A. We got two fares.

Q. How many barrels did you take?—A. It was a 300-barrel vessel, and we got two full fares; the last fare we caught off Cheticamp and

Margaree; for the first fare we fished some in the bend of Prince Edward Island and at the Magdalen Islands.

Q. Cheticamp and Margaree formed a very favorite fishing-ground with you?—A. Yes. I always made a point of getting my last fare there.

Q. You afterward became captain of a vessel?—A. Yes.

Q. What vessel?—A. The Mohenia.

Q. What was the size of the vessel?—A. About seventy-five tons, I think.

Q. How many trips did you make?—A. Two.

Q. What fares did you take?—A. I think about 250 barrels the first trip, and perhaps 300 barrels the second trip. It was a 300-barrel vessel, and we generally got fares.

Q. Where did you catch the mackerel?—A. The last fare we caught off Margaree. I don't know exactly where we took the first fare. I think I caught some of the first fare off East Point, Prince Edward Island; I might have caught a few off Bank Bradley; we got them at different points.

Q. The next year I believe you went again in the Mohenia?—A. Yes; we made two trips.

Q. With similar results to those of the previous year?—A. About the same.

Q. Did you catch the mackerel in the same places?—A. On about the same ground.

Q. What vessel did you next go in?—A. The Shooting Star.

Q. How many trips did you make?—A. Two.

Q. Where do you get your catch?—A. Some at the bend of the island, some off Point Miscon, and some perhaps at Bank Bradley. For my last fare I sprung up off Port Hood Island and caught the largest part of the fare there. I caught some mackerel off Margaree Island where I sprung up; it was on the 1st of August; we fished half a mile from the land.

Q. What was the next vessel in which you sailed?—A. The Charles Macdonnell.

Q. How many trips did you make?—A. Two.

Q. What did you take?—A. One fare of 200 and another of 300 barrels. The last fare was taken inshore. Some of the first fare were taken at the bend of Prince Edward Island, and some off Picton and along that shore.

Q. What was the next vessel in which you sailed?—A. The Allan Forester; I chartered her.

Q. What did you catch?—A. 750 or 775 barrels of fat mackerel. We only made one trip. The biggest part of the trip was made at Margaree Island.

Q. Out of the 750 barrels, what proportion was taken within three miles of the shore?—A. About three-fourths. I caught the biggest part late in the fall off Margaree Island.

Q. What did you pay for the charter of the vessel?—A. One thousand dollars.

Q. How were the crew paid?—A. The men went on half line, receiving half of the fish they caught after they paid for the barrels and packing.

Q. How many weeks were you away getting your fare?—A. Eleven or twelve weeks.

Q. For how long did you charter the vessel?—A. For the trip.

Q. What was the result of the speculation to yourself?—A. After

paying \$1,000 for the charter—four of us chartered the vessel—and paying me as captain 5 per cent. commission, which came out of the vessel's half, there was \$1,050 for the four who chartered her.

Q. Then she cleared \$2,050?—A. Yes; that is what she would have paid the owner if we had not chartered her.

Q. Did you go in the Allan Forester more than one year?—A. I went to Newfoundland that winter.

Q. What for?—A. For frozen herring. I got a cargo of frozen herring and took them home.

Q. Did you lose on the herring?—A. No, I made.

Q. What did you make on the herring that year?—A. I cannot remember what we made that year. My brother had a vessel chartered the previous winter and I think he cleared about \$3,000 on one fare of frozen herring. I had about 800 barrels of herring which we sold in New York at 5 cents per pound.

By Mr. Foster:

Q. How much is that per barrel?—A. Ten dollars per barrel, but we sold them by the pound.

By Mr. Davies:

Q. On what vessel did you go after the Allan Forester?—A. I went on the George B. Loring; that was the last year I fished in an American vessel.

Q. How many trips?—A. Three successful trips.

Q. What quantity did you take each trip?—A. I could not exactly say what quantity each trip. I landed 900 barrels.

Q. What portion of those did you take within three miles of the shore?—A. I suppose three-fourths of them.

Q. You made three trips in that vessel?—A. The first fare I caught in Bay Chaleurs, the whole of the second fare I think I caught at the Magdalen Islands, and the third trip off Margaree Island.

Q. That would make two-thirds of the whole caught within the prescribed limits?—A. Yes.

Q. Did you make the three trips without transshipping?—A. No; I transshipped.

Q. How many trips did you transship?—A. Two, my first and second fares. I took the last fare home myself.

Q. Was the privilege of transshipment a benefit?—A. I suppose it was.

Q. Could you otherwise have made three trips?—A. No.

Q. How many trips could you have made if you had not possessed that privilege?—A. Two. At the time when I would have been at home unloading my cargo I was catching another fare.

Q. So the privilege of transshipping gave you an extra trip?—A. Yes.

Q. What was the pecuniary result of the trip of the George B. Loring?—A. I only heard from what the owner said. I was running the vessel on commission. The owner told me it cleared him \$5,000 on those three trips.

Q. Were the 900 barrels you got a fair average catch?—A. My vessel was small. Some vessels that year got 1,600 barrels of mackerel. I think the Rattler, Captain Andrew Layton, got that quantity.

Q. Were there other vessels which obtained as many barrels as you did?—A. Some got 1,000 barrels, and some 1,100. Others, of course, got 600 barrels, and some 400 barrels.

Q. Can you give the Commission an idea of the profits of the Gloucester-

ter fishing vessels? Do they make profits or not?—A. I would not dare to say what the profits are, because I never owned a vessel there. I have never seen accounts, but I judge they must make some money. How else could they build fishing-vessels costing \$12,000 if they did not make money? When I went to Gloucester as a boy it was only a small village, and now it is an incorporated city. What has done it? Nothing but fishing. No other business whatever is carried on there except fishing.

Q. That was the last American fishing-vessel you were in?—A. Yes.

Q. Did you afterward fish in a British vessel?—A. Yes; I had a vessel built in Yarmouth for myself.

Q. How many years did you go in her?—A. Two years.

Q. What did you catch each year?—A. I caught 600 barrels the first year, I think. It was late when I went into the bay, the 15th September.

Q. And what did you get the other year?—A. Seven hundred and eighty barrels, I think.

Q. Then what vessel were you in next year?—A. In a schooner from the Strait of Canso, called the Vincent J. Wallace.

Q. How many barrels did you take?—A. Four hundred and fifty barrels; it was late when I went into the bay.

Q. In those five years where did you take those fish?—A. I caught the biggest part of those fish off Margaree Island.

Q. What proportion was caught inside the three miles, and what proportion outside? Did you take any outside?—A. I don't think I did; I might have picked up a few mackerel probably running down from Port Hood to the fishing-ground. I might have caught, perhaps, ten wash barrels.

Q. Then the proportion you caught outside was very, very small?—A. It would not amount to anything.

Q. The remaining fish were caught close inshore?—A. Yes.

Q. The fish you took off Margaree were taken from half a mile to a mile and two miles from the shore?—A. Yes.

Q. During those years when you were fishing in the summer along the shores of the Gulf of St. Lawrence, where did you go in winter?—A. To Newfoundland, for frozen herring.

Q. How many winters did you go there?—A. I think I was there ten winters.

Q. Did you ever go to Fortune Bay?—A. I was there all of those ten winters except one.

Q. Did you find the people there wretched and miserable?—A. No, the people are very well off with the exception of a few. There may be some poor people there as everywhere else; but, as a general thing, the people are very well off. If you see them on board their little jacks they do not seem to be worth anything; but if you go to their houses you find the case very different.

Q. What do you find there?—A. Plenty of money in the houses. Sometimes when they would be trading with me they would not have enough fish to pay me and they would take me to their houses and open a chest where there were piles of money, which would surprise you.

Q. Instead of being a wretched people they are very comfortable indeed, far above the average?—A. Yes.

Q. Do you mean to say they are far above the average?—A. They are generally well off, although they often look miserable and work hard. In fact some of the people live very poorly, while they have plenty of money. They don't know how to take comfort with the money.

Q. Do you think they would starve if the Americans did not go to buy their fish?—A. I do not think they would.

Q. What did you give for the frozen herring?—A. One dollar per barrel; I never give more and never less; I have heard of some vessels giving \$3 per barrel.

Q. On a pinch you would have given more?—A. Yes.

Q. Did you fish on the Newfoundland Banks?—A. No; I never caught any fish there; I purchased the fish I obtained there.

Q. Did you ever fish on the Grand Banks?—A. No.

Q. Did you ever fish for cod on the banks off Nova Scotia?—A. Yes. I have fished on Western, La Have, and Brown Banks.

Q. For cod?—A. Yes.

Q. How did you catch the cod?—A. We caught them with trawls.

Q. What kind of bait did you use?—A. Fresh bait. Herring.

Q. Cannot you catch cod equally well with salt bait?—A. No.

Q. How do you know?—A. I have tried it.

Q. Tell us the result of your experience?—A. I have been on the Banks with nothing but porgies for bait—we generally took a few barrels with us to start upon—and ran out our trawls, having the salt bait, and there appeared to be not one fish around, for we would not feel a bite nor get a fish. I have then ran to land, got herring and gone out to the same ground as near as possible and put out the trawls and had an abundance of fish, where previously with salt bait we got not a fish. Even if you bait your hook with a piece of salt porgy and put a small piece of fresh herring on the point of the hook, you will have a fish on it.

Q. Your evidence amounts to this, that fresh bait is absolutely necessary to catch codfish?—A. Most undoubtedly.

Q. And without fresh bait Bank codfishing cannot be successfully carried on?—A. I am quite sure of it.

Q. You are quite sure of it?—A. I am quite certain of it from practical experience; I have tried it.

Q. For how many years?—A. Four or five years. It is some time ago, but I believe from what American captains say that it is worse now. They have to get fresh bait or they cannot get any fish, they say.

Q. Do the bankers ever transship their cargoes of cod?—A. Yes. There were two smacks from Newfoundland came into the harbor bound home, but when the captains laid their heads together they came to the conclusion that the trips were too small to go home with, and one of the captains arranged to take them home, and the other captain refitted and went back again. One of the captains is in here.

Q. Both vessels belong to the same owner?—A. I could not say that; but they belong to the same port, New London.

Q. If the American vessels were not allowed to enter Newfoundland, Nova Scotia, and Cape Breton for fresh bait, they could not carry on the codfishery?—A. No; it would be impossible. Any man with common sense knows that. They might carry it on to a certain extent, but not successfully.

Q. Have you ever conversed with American captains; do you know whether that is their opinion?—A. Yes.

Q. They have so expressed themselves to you?—A. Yes, a number of times. There is not a year goes by but I talk with fifty of them.

Q. That is the general opinion of those acquainted with the fisheries?—A. Yes, it is the general opinion.

Q. Did you ever hear a man hold a different opinion?—A. I don't think I ever knew any man who held a different opinion.

Q. If witnesses came here and told a different story, what would you say?—A. I don't know how they could.

Q. Did you ever know a British vessel go to American waters to catch fish?—A. I never knew but one, the Lettie, of Prince Edward Island. She went on that coast seining.

Q. Did she go for porgies?—A. She went seining porgies and mackerel, but I think she did not get anything.

Q. Did she ever try it again?—A. No; I think not.

Q. Do you know, from what American captains have told you, where they caught their mackerel?—A. I have not known of late years where they caught them.

Q. When you were fishing?—A. I did not require to be told, for I have seen them fishing.

Q. Is there any doubt as to where the fish are taken?—A. Not a particle of doubt.

Q. Do you say they are taken inshore?—A. I don't say all the fish are caught inshore. There are fish caught off shore as well as inshore; but three-fourths of those taken are caught inshore.

Q. Is it known by the American captains to be so?—A. Certainly. You may find some American captains—one or two—who don't come inshore a great deal. The old captains of Cape Cod vessels are frightened of the land, and they, as a general thing, will fish on Bank Bradley. There are, perhaps, half a dozen or a dozen of them.

Q. What was the result of their trips?—A. I never heard of one getting a fare. There might have been some who did so, but I never heard of one.

Q. Have they old vessels?—A. No; I don't think it is anything more than that they don't care about fishing near the land.

Q. What bait do the mackerel feed on?—A. It is pretty hard to tell exactly all the bait. When we were in the bay following the mackerel we found there was a little fish called the shrimp—some call it brit—which the mackerel generally chase. The brit generally frequents along the shore; that is what brings the mackerel in to the shore. I have seen the whole fleet haul to and not raise a fish; but after going five or ten yards farther, they would get right into the school of mackerel which were after the brit. They would attract the mackerel out, but very soon the fish would go right back to the brit, and the vessels would have to follow them in and entice them out.

Q. Do you find the brit, which the mackerel chase, out at sea?—A. I never saw any, though it may be there.

Q. Although you saw it along the shore?—A. Yes. I have no doubt there is a small quantity out at sea, but it generally frequents along the shore.

Q. Suppose you were prohibited from coming within three miles of the shore, would you go down to fish in the gulf for mackerel?—A. I don't know; we do a good many things. I think if I was prohibited from taking mackerel within three miles of the shore I would not come. The first fare I might possibly obtain my fishing outside; but the last fare, which is most valuable, I could not get except close inshore.

Q. The last fare is worth twice as much as the first?—A. Yes; it is for mackerel.

Q. The first fare is not a paying one?—A. No. A great many vessels go after the first fare because they are fitted for a season's mackerel fishing. I have known vessels go out and bring in a fare of mackerel and lost money because they were poor fish.

Q. You caught mackerel off shore as well as inshore?—A. Yes.

Q. But the fat fish were all taken inshore?—A. Yes, inshore. As a general thing, American vessels in the fall of the year fish near a harbor, so that they can make the harbor in storms. This is a reason why they fish inshore.

By Mr. Dana:

Q. Do you own vessels at Yarmouth?—A. Yes, to a certain extent.

Q. You have not been yourself to sea for how many years?—A. It is about ten years since I have been fishing.

Q. In what trade are the vessels in which you are interested engaged?—A. They fish off Cape Sable; I have only got a small interest in three vessels.

Q. Do you do any business in buying and selling fish?—A. To a certain extent I do.

Q. What kind of fish do you buy?—A. I buy mackerel and herring; I have not bought codfish.

Q. From whom do you buy your fish?—A. From the inhabitants of the place where I live.

Q. Are they engaged in day fishing with boats?—A. Very little.

Q. Mostly with vessels?—A. Yes, except net fishermen.

Q. Do you buy from them to sell again or to cure?—A. To sell again.

Q. To sell again as you buy them or after being cured?—A. I buy them all barreled and inspected.

Q. Where do you send them when you sell them?—A. Sometimes to the States; sometimes I sell them at Yarmouth. I sell them wherever I can make the best trade.

Q. What kind of fish do you send to the States?—A. Mackerel and herring.

Q. Not cod?—A. I don't think I ever sent any cod to the States.

Q. Is there not a pretty fair market in the States now?—A. I recently sent 200 barrels to New York, but I have not received the returns.

Q. What kind of market has there been in the States for the last four or five years?—A. I think for mackerel the United States is the best, but I have found our own market here the best for codfish and for haddock and scaled fish for the last three or four years.

Q. You don't prepare cod for the United States market; you dry them thoroughly, so as to send them to foreign markets?—A. We dry them more than they are dried in the United States, but not so hard as in Newfoundland.

Q. Do you buy bait, pogies, from the Americans?—A. No. We don't buy pogies except for catching mackerel, and few of our vessels engaged in the mackerel fishery.

Q. Do not the fishermen of the provinces use pogies as bait for mackerel?—A. That bait comes from the United States, but they don't buy them direct. Halifax merchants send to the States and get that bait and the fishermen buy it from them.

Q. If you could have the bait brought to you from the United States it would be cheaper for you to buy it than to send your vessels to the States to procure it?—A. Yes.

Q. You say that there is mackerel fishing outside the three-mile limit?—A. Yes.

Q. You say you have known American vessels to fish for mackerel outside of the three miles?—A. Yes. I have seen Americans and our own vessels fishing outside, and I have fished outside myself.

Q. How do you distinguish Cape Cod vessels from other vessels?—A. We can generally tell a Cape Cod vessel from a Gloucester vessel, for it is differently built.

Q. Are they differently rigged?—A. Yes, and the hull is different.

Q. Do you know who the commander is, whether he is a Cape Cod man, by the rig of the ship?—A. No.

Q. Then you cannot tell whether the commander is afraid of the land or not?—A. Cape Cod men have the reputation of being afraid of the land in Bay Chaleurs.

Q. You cannot tell whether the commander is a Cape Cod man; might he not be a brave Gloucester man?—A. Yes, or he might be a Dominion man.

Q. Now, is not this about the commanders of Cape Cod vessels being afraid of the land all nonsense?—A. No, I am candid about it. They have the reputation of being afraid of the land in Bay Chaleurs, and so some of them will fish off Banks Bradley and Orphan.

Q. When you found the Cape Cod men fish outside of Bay Chaleurs, did it not occur to you that they did so because they believed they could get more fish there?—A. No; I have no reason to think so. It may have been their idea that they could catch more fish outshore; I cannot speak to that.

Q. You have said they kept inshore because they were afraid of the land?—A. I say they have that reputation.

Q. Do you think they caught more fish outside?—A. I could not tell you that.

Q. Do you think that if Cape Cod fishermen understood they could get more fish inside than outside they would not go inside; do you think they are more afraid than other people?—A. I think so.

Q. You are candid about that?—A. I think they are not used to fish near the land in Bay Chaleurs, though they may be on their own shores.

Q. Do you not think they might get over that fear in course of time?—A. Probably they might.

Q. A calculation was proposed to you about a vessel in which you went, where, after paying you a commission of 5 per cent., the expenses of the charter, \$1,000, there were \$1,050 left?—A. Yes.

Q. Do you mean to say that if you had not chartered the vessel, the surplus would have been \$2,050 to the owner?—A. Most undoubtedly so.

Q. Does not the ship cost anything to the owner?—A. All expenses were paid.

Q. Take the case where the owner does not get any charter-money; does not the ship deteriorate in value?—A. I did not look at that.

Q. And there are repairs and painting?—A. I think we had to paint the vessel.

Q. That was under your bargain?—A. Yes.

Q. If the vessel had not been chartered the owner would have had to paint her?—A. Yes.

Q. And they have to insure the vessel or be their own insurers?—A. Yes.

Q. And to allow a large amount for repairs, and because of the shortness of the lives of the vessels?—A. Undoubtedly a vessel somewhat depreciates.

Q. Fishing-vessels are not a long-lived race?—A. American fishing-vessels are; they run a long time. It is pretty hard to wear an American vessel out.

Q. Are the American vessels stronger as well as better vessels?—A. They are more durable than our class of vessels.

Q. Are they built of better materials?—A. Yes; of white oak with copper fastenings.

Q. So while it is very easy to say the owner would have made \$2,000, yet when you reckon the charges, you have to allow a large sum?—A. It is very true. If you have got to put in a new suit of sails, you could not see your way clear out of a large expense. I was, however, speaking of one case, that of the Allan Forester.

Q. If there was no charter, would not a prudent owner charge himself something for repairs, whether repairs were made that year or not, and also for insurance?—A. All these things have to come in.

Q. How many years have you transshipped cargoes?—A. Only one year; but I have known vessels which did it several years when mackerel was plentiful; I mean American vessels.

Q. Where did you transship?—A. In the Strait of Canso.

Q. What cargo did you transship?—A. 630 barrels.

Q. Two trips?—A. Yes.

Q. How did you do when you transshipped?—A. We went alongside the wharf, took the barrels of fish out, stored them, and took in a fresh supply of barrels.

Q. What class of persons sold barrels?—A. The fitters.

Q. And you obtained salt?—A. Yes.

Q. What did you do with the barrels of fish?—A. We shipped them home. That year there was an American vessel, a large coaster, which carried mine with others; she was a Boston vessel.

Q. Do you know what they charged for freight by steamer?—A. I could not tell you. I think we paid 30 cents per barrel.

Q. Have you been sufficiently interested in this matter of transshipping as to ascertain the cost of handling the barrels, the wharfage, &c.?—A. The crew generally move the barrels, and there is nothing paid for the storage of the mackerel.

Q. Why not?—A. Because they do not ever charge for storage, because they fit the vessels.

Q. The expense turns up somewhere in the bill?—A. Yes. However never paid any wharfage or storage.

Q. You say the people down at Fortune Bay are well off?—A. There are some poor people there, but, as a general thing, the people are all comfortable.

Q. You say they have piles of money stored in their houses?—A. Some of them have. I know men who went from La Have down there, who were so well off they retired from the fishing business. The largest part of the money they made was in supplying bait to those French vessels which come from France to fish.

Q. Where did you find them?—A. At St. Peter's. The men of Fortune Bay seine herring, caplin, and squid, and run them across to St. Peter's, and sell them to the French vessels which are lying waiting for them.

Q. That is their market?—A. Yes.

Q. They also sell to the Americans?—A. Yes. They go in and obtain a great deal of bait in Newfoundland; not so much at Fortune Bay as at St. John's.

Q. The men with piles of money, where do they live?—A. They may have plenty of money and yet live in a hovel. They are not sensible enough to enjoy the money after they have made it.

Q. We have been told, on the contrary, that they spend all their money as fast as they get it on rum and tobacco; did you find that to be true?—A. I doubt that. For the last two or three years in Newfoundland I found very few men who drank rum, but when I first went there I found many rum-drinkers. I think they must have had a reform club here.

Q. You think they have improved?—A. Yes. They are comfortable in their homes.

Q. They are saving people?—A. Yes.

Q. Where did you send your frozen herring?—A. To New York.

Q. Any to Boston?—A. Very few to Boston; I sent the largest quantity to New York, and sold a good many at Gloucester for bait for George's Bank fishermen.

Q. There is a pretty good market in New York for frozen herring?—A. Sometimes a vessel makes a very successful trip, and sometimes it doesn't make anything.

Q. Have the people of Fortune Bay any other market of any consequence for what they draw from the sea except the French and Americans?—A. Their codfish, I think, is sent to Brazil and sold to the merchants there.

Q. I mean those people who catch bait, who are paid in cash on the spot; have they any market for that except the French and Americans?—A. I think not.

Q. In regard to fresh bait, I suppose the fish, if they have the choice between fresh and salt bait, prefer fresh bait?—A. Most undoubtedly.

Q. Suppose there was no fresh bait?—A. You could not get the fish.

Q. Are you sure of that?—A. Yes.

Q. How was it twenty years ago, when fresh bait was not used?—A. I am speaking from the practical experience I have had.

Q. But you never saw a time when there was only salt bait?—A. I have said I have been on the Banks when we have had nothing but salt bait, and we could not get a fish.

Q. Witnesses have told us that, before that time, when there was no fresh bait used, they caught full fares with salted bait?—A. There never were such quantities of fish caught years ago as there have been of late years, because they never used fresh bait.

Q. Is not trawling a new thing?—A. Trawling has been practiced ever since I went fishing.

Q. It has not a long history?—A. 25 or 30 years.

Q. How many years have you been in Fortune Bay on fishing business?—A. Nine winters, I think.

Q. Do you know anything of the number of American vessels which go there after frozen herring?—A. I have seen between 30 and 50 sail there at one time.

Q. How long did you lay there usually?—A. I laid there one whole winter; I had three vessels to load.

Q. At other times how long did you stay?—A. I have been there and loaded in a week.

Q. In the course of the winter, the American vessels must be very numerous there?—A. The number I have stated would be all that would be there one winter. They never made two trips. They have to be there when the cold weather sets in, and they freeze the herring. They are all there at one time, but some vessels get away earlier than others.

Q. Suppose a vessel comes late, will it not find the herring already frozen?—A. The vessel could not get them.

Q. They would have all been sold?—A. Yes; possibly there might be a few sometimes.

Q. Then they sell all they can catch?—A. Yes. The vessels need to be there at the first frost, and they generally get away at the end of January.

Q. The American market for frozen herring and bait, in addition to

the French market, is a very great benefit to those Newfoundland people; has it not built them up?—A. They sell that quantity of herring.

Q. And get money for it?—A. They get very little money from the Americans, but they fetch trade goods there.

Q. Something equivalent to money?—A. But they make their profit on them. I don't think I ever paid there \$100 in cash. I have taken down pork that cost \$15 per barrel and sold it for \$30.

Q. The people would have been obliged to have paid that price wherever they had bought it?—A. That was the price at which pork was selling there, and I got the same as the rest.

Q. And the market there for pork was regulated by the large merchants?—A. Yes.

Q. The Americans who go there with goods cannot get more than the market price there?—A. Well, they don't; they could, I suppose, if they practiced extortion. The people want to sell their fish and the American's can say, "There are the goods, take them or leave them."

Q. The result is that the fishermen become themselves somewhat of merchants, and buy a good deal from the vessels, instead of depending entirely on the large houses?—A. Yes. I have sold pork and flour to people who did not really want them; they had to take it in return for their fish, for I did not intend to pay money, but intended to make a profit on the goods.

Q. Sometimes they are paid so many dollars per barrel?—A. I never paid any. Very little cash is ever paid by Americans.

Q. If they do not pay cash, where do the piles of money come from?—A. They accumulate it in some way. It is said a constant dropping will wear away stone.

By Mr. Davies:

Q. The trade in frozen herring is one which has been carried on for many years?—A. Yes. I was the first fisherman who ever carried a cargo of frozen herring from Newfoundland.

Q. That was carried on as a matter of trade before the Washington Treaty?—A. Yes.

Q. You were never prevented from going there and buying herring?—A. No.

Q. It was always carried on as a matter of trade?—A. Yes.

Q. In winter alone?—A. Yes.

Q. It has no connection with the bait-fishing?—A. None whatever.

Q. I understand that the fishing for bait is carried on more on the eastern coast of Newfoundland than in Fortune Bay?—A. Yes; by American vessels.

Q. I understood you to say that there were not nearly so many fish caught by bankers in former years as of late?—A. I should suppose not half as many.

Q. What is the average length of time that an American vessel will last?—A. There are vessels in the business forty years old. Some of those Marblehead vessels can never wear out.

Q. They won't all last forty years, I suppose?—A. Well, they consider an American vessel good when she is eighteen years old.

Q. And twenty-five years?—A. Yes; they generally new top them then.

By Mr. Dana:

Q. Do you mean that candidly?—A. Yes. You never can wear out the bottom of an American vessel.

No. 46.

JOHN HOLLIDAY, of the city of Quebec, fish merchant, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. You live in Quebec ?—Answer. Yes.

Q. You are engaged in the fishing trade ?—A. Yes.

Q. For how many years have you been in the business ?—A. Eighteen years.

Q. Where do you carry on the fish business ?—A. In Canada.

Q. But where do you carry on your fisheries ?—A. In the neighborhood of Moisie.

Q. That is near Seven Islands on the north shore ?—A. Yes.

Q. To what extent do you carry it on ? How many establishments have you ?—A. One.

Q. Is that at Moisie ?—A. Yes.

Q. What fish do your people take ?—A. Salmon and codfish.

Q. Well, the salmon, I presume, is a river fishery ?—A. Yes.

Q. Then the Moisie is a large river and there are good salmon in it ?—A. Yes.

Q. Where do you take your cod ?—A. Off the mouth of the river in Moisie Bay.

Q. How are they taken ?—A. In boats with hand-lines.

Q. How many boats do you employ ?—A. From 15 to 20.

Q. Do you belong to a firm ?—A. Yes.

Q. What is the name of the firm ?—A. A. Fraser & Co.

Q. Their special business, then, is the fish business ?—A. Yes. Fresh fish and cured fish.

Q. These fresh fish I presume are salmon ?—A. Yes ; codfish and all other fish.

Q. What do you do with your fresh fish ?—A. We sell them in Canada. We send them up to Quebec and dispose of them there.

Q. You send them up there from the north coast of the Saint Lawrence ?—A. Yes.

Q. How do you send them ; by a steamer, I suppose ?—A. In a small steamer that calls there.

Q. Is it your own, or are there steamers that call there ?—A. It is our own.

Q. It was built for the purpose, I suppose ?—A. It was built for the purpose of carrying fish.

Q. What is the distance from Moisie to Quebec ?—A. 350 miles.

Q. How long does it take them to run it ?—A. About 40 hours.

Q. Do you send the fresh fish up in ice ?—A. In snow.

By Mr. Foster :

Q. How near the Seven Isles is Moisie ?—A. It is about 18 miles to the eastward. It depends on what part of the Seven Islands you take. It might be 15 miles, if you take the nearest island.

By Mr. Thomson :

Q. How many boats does your firm employ ?—A. From 15 to 20 this year.

Q. Are they owned by the firm, or do you employ the persons who own them ?—A. Partly each way. Part of the boats belong to the firm and part we engage.

Q. What is the number, including those you own and those you engage?—A. 20.

Q. How many men do you employ to each boat?—A. Two men.

Q. Well, now, what fish do they take with bait off the coast, what kind?—A. Codfish.

Q. Altogether?—A. Yes; I was speaking of codfish just now, altogether.

Q. The 20 boats you spoke of just now are engaged cod-fishing?—A. Yes. I did not speak of salmon fishing.

Q. Well, do you take no halibut or hake?—A. We take a few halibut, not of any great moment, this year past.

Q. Why is that? It used to be plenty.—A. They used to be, but since 1868 or 1869 the coast is nearly cleaned of halibut by the American fishermen coming there. Two of them were taken in my neighborhood; that is, two of their vessels were taken by the cruisers.

Q. What became of them?—A. I think they were both condemned.

Q. Well, were those halibut taken within three miles of the shore?—A. O, yes; within about a mile and a half of the shore.

Q. There was no doubt, then, about the fact of the infringement of the law, for which those vessels were taken?—A. I think not. I have seen several of them leave the coast and leave their lines. When they saw the cruisers come they stood out to sea and came back a day or two afterward and picked up their lines.

Q. That was within three miles?—A. Yes.

Q. How near?—A. About a mile and a half.

Q. I do not know whether the atmosphere there is of that peculiar character that a vessel within half a mile will think she is three miles out?—A. They could not well think that.

Q. You can generally tell when you are within three miles?—A. Yes; at all events, within a mile and a half.

Q. Well, you say that in 1868 and 1869, the American schooners came here and fished out the halibut?—A. Yes, they cleaned them out.

Q. What kind of fishing was it?—A. With long lines or trawls.

Q. There were a great many hooks upon them?—A. A great number; there were several miles of lines.

Q. What was the effect of that, either to your own knowledge or from what you have heard?—A. The whole of our inshore fishermen fished codfish and halibut. We get none now or next to none.

Q. No halibut, you mean?—A. No halibut.

Q. Are they a fish that keep pretty close to the bottom as a rule?—A. Yes.

Q. Therefore they are the more liable to be taken up by the trawl?—

A. That is the method adopted in this country of catching them altogether.

Q. Before the Americans came with a trawl, how did your people take them?—A. With hand-lines.

Q. Were they reasonably plenty in those days?—A. Yes; a boat has not from eight to ten. Now, they very seldom get any.

Q. Well, had the hand-line fishing been continued and those trawls not introduced, is it or is it not your opinion that the halibut would be now there just as it used to be?—A. I think it would be as good as previously.

Q. In your opinion, then, this trawl fishing is simply destructive?—A. To halibut.

Q. Well, what do you do now with your fish, the codfish that you get here that is cured; you have already stated that you send your fresh

cod into Quebec, with your salmon and other fresh fish. What do you do with the fish that you cure?—A. For the past forty years we have sent them to Quebec also. We have cured them for the Quebec market.

Q. All?—A. Yes; the whole fish.

Q. Previously to that what did you do with them?—A. We used to dry them and export them to Europe.

Q. Where did you send them?—A. We generally sent them to Oadiz for orders.

Q. From that they went to ports on the Mediterranean?—A. Yes.

Q. And up the Adriatic?—A. We seldom required to send them up there. They generally sold in the lower ports.

Q. Do you find it more profitable to cure them for Quebec?—A. We have them under our own control in that way. If we ship them we have to consign them to a house, and they are out of control in a measure, although liable to advice. But in Quebec we have them completely under our control.

Q. Well, are they actually consumed in Quebec, or are they sold by you and transshipped elsewhere by them?—A. They are consumed in the province of Quebec.

Q. Well, what are these fish worth, cured, on the north shore?—A. What description of fish?

Q. I take codfish that you cure for the Quebec market.—A. They are worth from \$4.50 to \$5.50 a barrel. We dry-salt them in barrels.

Q. Then you don't measure them by quintals?—A. No; they are sold by the 200 pounds.

Q. The barrel contains that?—A. Yes.

Q. Well, would a barrel be about a quintal if it was dry?—A. It weighs about 200 pounds. You want the equivalent for that in dried fish; well, a barrel of fish in dry salt would be very nearly equivalent to a quintal of dried codfish.

By Mr. Foster :

Q. That is not cured by the sun at all?—A. No.

By Mr. Thomson :

Q. Do you find that pays as well in the Quebec market as your former course of trade up the Mediterranean?—A. Yes; it saves me a great deal of labor.

Q. And it pays as well?—A. We consider it pays equally well.

Q. When you say you have it under your control at Quebec, I suppose the headquarters of your firm are in that city?—A. The headquarters are there for the distribution of our fish and the sale.

Q. Do you sell all your fish, the salmon, there, as well?—A. Yes.

Q. All your fresh fish?—A. Yes; that is, we don't sell the whole of the fresh salmon in the immediate locality. It is dispersed over the whole country, and in Ontario as well.

Q. Do you find that the Americans compete with you at all?—A. A good deal.

Q. I mean in the markets; I don't mean on the shores of the St. Lawrence?—A. They compete a good deal in the Ontario and Quebec markets. The Americans supply largely the markets of Quebec and Ontario with fresh fish.

Q. Do you find that they have supplied these markets in increased quantities since 1871?—A. I cannot say that they have.

Q. Well, how about the salted and cured fish?—A. They have done very much of that since 1871.

Q. The salted and cured fish of the Americans have come in very much?—A. Yes; in much larger quantities than previously.

Q. They cut down your prices?—A. They compete with us very largely.

Q. I suppose that must lower the price?—A. Generally speaking.

Q. Did they or did they not?—A. They displace a quantity of our fish, and consequently make it more difficult to sell.

Q. And when you do, you sell at a lower price?—A. I should judge; yes.

Q. Well, then, in fact they do seriously compete with you in the Dominion markets in cured fish?—A. Yes.

Q. What kind of fish do you find them compete with you in?—A. In dry cod and what is called boneless fish; that will be hake principally.

Q. Well, will you explain as to these boneless fish; they do not catch it without bones, I suppose?—A. It is dried fish; some is dry codfish sliced up and put in boxes, and made into a much more convenient state for consumption.

Q. Are all the bones extracted?—A. Most of them are extracted; you cannot extract the whole of them.

Q. Well, is this trade in boneless fish purely American, or is it carried on in the Dominion?—A. I think it is purely American.

Q. Well, that fish you find meeting you constantly?—A. It comes in large quantities.

Q. What about the herring; do you find them come in?—A. Not in very great quantities; they do occasionally.

Q. Do you yourself deal in salt herring?—A. Yes.

Q. Where do you take them?—A. We get them a little farther down the coast than where I am situated.

Q. Down farther beyond Anticosti?—A. Yes; a little beyond Anticosti. It is within the Canadian boundary on the Labrador coast. It is counted the Labrador coast.

Q. Would it be westward of Mount Joli?—A. No; eastward.

Q. How far eastward would it be?—A. I can scarcely tell you.

Q. Do you take any large quantities?—A. There are large quantities caught there this year.

Q. What do you do in reference to them? You send regular fishing-vessels there?—A. Yes.

Q. Do you deal in frozen herring?—A. No.

Q. What you get you get purely for pickling?—A. It is put up in pickle.

Q. Do you pickle them yourself, or your people?—A. They are put up in barrels, and they make their own pickle.

Q. You send your own vessels and crews?—A. Yes.

Q. And they pickle them at the time they are taken on board?—A. Yes; they are salted down and make their own pickle.

Q. You just put the salt on them and they make their own pickle?—A. Yes.

Q. They are cured on board?—A. Yes.

Q. Well, now, in reference to the cod-fishing at Moisie and where you prosecute it, is it all an inshore fishery?—A. Altogether.

Q. You don't do any outshore fishing at all?—A. No; there are no banks there.

Q. Do I understand that there is no fishing for cod outside of three miles from the shore unless there is a bank?—A. There is none on our shores.

Q. What brings the codfish in there?—A. The small fish—the bait that brings them in on the coast.

Q. What bait do you use for cod?—A. Sand-eels, caplin.

Q. Sand-eels is another name for lance?—A. Yes.

Q. Herring?—A. Caplin and squid.

Q. Do you use herring at all?—A. Not for cod.

Q. Have you large quantities of squid?—A. No very great quantities. There are only squid there for a short time, eight or ten days.

Q. You say squid only come in for a short time. What time does it come in?—A. It comes in at the end of July or the beginning of August.

Q. And previous to that the caplin come?—A. Caplin and lance.

Q. The best bait, I believe, is squid, is it not?—A. When we can get them.

Q. Do you ever fish for cod with salted bait?—A. Never.

Q. Would it be possible, in your judgment, to carry on the cod-fishing with salt bait at all?—A. It depends on the kind of salted bait.

Q. What kinds would be good?—A. Salted clams it could be carried on with, but not advantageously.

Q. Then I presume it would not be carried on. I understand that the only salt bait that could be used is clam?—A. Yes.

Q. And with that it could not be carried on advantageously?—A. Not that I know of.

Q. On the Banks is there any bait to be found, as a rule, with certainty? I refer to those that fish for cod in the gulf. I do not refer to other places.—A. Not that I am aware of.

Q. All the bait taken for the Bank offshore fishery is taken inshore?—A. It is caught inshore.

Q. Have the government of late not taken any steps to protect the fisheries along the shores on the north shore of St. Lawrence and other parts of Quebec?—A. There are officers appointed along the whole coast to enforce the fishery laws and and report to the cruisers.

Q. Do you find that the enforcement of the regulations has had a beneficial effect upon the bait-fishing?—A. Well, we have always had an abundance, and we still have.

Q. What about the increased salmon fisheries? Does it protect them?—A. Yes; they have been increased very considerably.

Q. What effect has the increase of the fish in the rivers upon the sea fishing outside? Does it increase it?—A. I do not think it has any effect on the sea fishing at all.

Q. Well, what do you get in the Quebec market for your codfish that you send up?—A. Fresh or cured?

Q. Take the fresh.—A. I get from three to four cents a pound for them fresh.

Q. Halibut?—A. From five to eight cents.

Q. For the dry fish that you send up, or salted in barrels?—A. We get from \$4.50 to \$5.50 a barrel.

Q. Do you send up any dried in the form of quintals?—A. Not in these past years.

Q. Is the supply of codfish increasing or diminishing to your experience for the number of years you have had experience in this business?—A. That is a difficult question to answer.

Q. Is the supply of codfish on your coast where you carry on your fishing operations increasing or diminishing, or is it about the same?—A. Much about the same, I should think. It fluctuates a good deal, as every other fishery does. But upon the whole, taking it over a term of years, it seems much about the same.

Q. As when you commenced?—A. Yes.

Q. Well, is not the cod-fishery, as a rule, a pretty certain fishery?—A. As a rule it is.

Q. Some seasons it fluctuates a little. How do you account for that—do they not come in or do they refuse to bite?—A. It is owing to the scarcity of fish in the locality.

Q. And these fluctuations seldom occur?—A. They are not a common recurrence.

Q. Now in reference to the coast along there, do the people that fish on that coast stay as a rule?—A. The great bulk of the fishing population is a fluctuating population coming from Bay Chaleur and the coast of the river St. Lawrence, the parishes along the river St. Lawrence.

Q. From Magdalen Islands?—A. Very few comparatively.

Q. Is the coast about Moisie and eastwards towards Belleisle a farming country at all?—A. Not at all.

Q. Is it wooded?—A. The climate is such that it could not be an agricultural country. The frost is there late in the spring and early in the autumn. Where the people try to raise potatoes on the coast they get all black generally about the middle of September, before they come to maturity.

Q. It is not fit for farming purposes at all?—A. No.

Q. Have you your establishments on the shore?—A. They are on the banks of the Moisie River.

Q. How far are they from the shore?—A. They are built immediately on the bank of the river.

Q. How far from the shore of the river Saint Lawrence?—A. About half a mile.

Q. Is it wooded in there at all?—A. Back from the establishments it is. Not immediately on the coast.

Q. What is the size of this Moisie River?—A. How do you mean; the volume of water?

Q. The width.—A. It is about two miles wide in the estuary at the mouth. Farther up it is 300 or 400 yards.

Q. Does it discharge a large volume of water in the gulf?—A. Yes.

Q. Is it navigable far up?—A. Boats can go up 14 miles.

Q. There are no settlements along it at all?—A. No. We had frost this year in July.

Q. Well, this Moisie really is a fine salmon-fishing river?—A. Yes; very fine.

Q. Do you lease it?—A. Yes; I lease it from the government.

Q. May I ask you, since the Washington Treaty, have you availed yourself of the privilege of sending any of your fish into the American markets, your cured fish?—A. Not cured fish; I can do better at home. As to the fresh fish, we have always previous to the Treaty of Washington sent some there—fresh salmon.

Q. Do you still?—A. Yes.

Q. The treaty has in no way, in regard to fresh fish, altered the course of trade?—A. Not at all.

Q. In reference to cured fish or salted fish, you send none into the American markets at all?—A. None at all.

Q. And, as far as you know, that is the case along the whole coast of Labrador and the north shore?—A. Yes, altogether.

Q. Are you aware of any trade between any portion of the province of Quebec and the United States in cured fish?—A. None that I am aware of.

Q. So that in fact, while you send from Quebec no cured fish what-

ever to the United States, you find that in your markets you are met with cured fish from the States?—A. We are.

Q. In reference to the other fish, take cod and other fish, don't you think the protection of the fisheries gives an increased quantity of bait in the estuaries of the rivers, inducing them to come inshore, or have you ever turned your attention to it at all?—A. I could not say that it does.

Q. Can you say that it does not?—A. No.

Q. You don't know, in other words?—A. No.

Q. Now we had some evidence here, or some questions rather—no evidence—put by the counsel for the United States, about some wonderful starvation along that shore some years ago. It was stated to have taken place in the neighborhood of Moistic. The inhabitants were said to be in a dreadful state.—A. The cause of that starvation, if I may so term it, was this: there was a party of people that came in partly with the expectation of fishing, partly with the expectation of employment from the Moistic Iron Company.

Q. What was the Moistic Iron Company?—A. It was a company formed of Montreal persons, represented by Martin Molson. They commenced to make iron in the neighborhood out of black sand—magnetic iron sand. They established forges for the purpose, and gave a great deal of employment in cutting timber to make charcoal. These people expected to get employment for the first year in cutting timber, at so much a cord, for the making of this charcoal. The Moistic Iron Company stopped operations suddenly in the autumn of 1875, and these people were altogether left without the employment that they expected.

Q. Well, then, in fact it was the failure of this company to carry on operations, and not the failure of the fishery, that led to the distress?—A. Altogether; because our population is a floating population, and leaves the coast, generally, during the winter.

Q. No fisherman, in his senses, would remain during the winter?—A. Very few; there are a few, but very few.

Q. How do those few that remain get on?—A. They provide out of their fishing during the summer. They have a sufficiency provided to keep them during the winter.

Q. Well, then, I understand that along the coast you speak of, the whole north shore, of the coast as far as the strait?—A. No; not as far as the Strait of Belleisle—to Natashquan.

Q. That is opposite the north end of Anticosti?—A. Yes.

Q. From all along there there is good fishing along the shore, is there not?—A. Yes; all along.

Q. As far as you are aware, this is practically inexhaustible?—A. I would not say that, but that the codfish resort to the coast in great numbers during the season.

Q. I suppose you don't know what process might be invented by our ingenious American friends to kill them off?—A. No.

Q. But if the present line fishing is carried on they are practically inexhaustible?—A. It would depend on the number of people employed to catch them. I would not say they are inexhaustible.

Q. You have not found them diminishing?—A. Not with the number of people heretofore employed.

Q. Has not the number increased that is engaged in the cod fishery?—A. Considerably during the last few years.

Q. But the fisheries have not decreased?—A. No; the quantity caught has increased.

Q. And the supply has not decreased?—A. No.

Q. It is open to the Americans, if they choose, to set up establishments and go into the same business you are in ?—A. Yes; I understand that to be the case.

Q. They can send to the same markets you do and compete with those that sent to Brazil and the Mediterranean as well as they do now with you in Canada ?—A. Yes.

By Mr. Foster :

Q. I think you fix upon the year when the American vessels cleaned out the halibut and were themselves cleaned out by the cutters as being 1868 or 1869, didn't you ?—A. I would not place the year decidedly. It was the year that the cutters were preventing them from fishing in there.

Q. The halibut disappeared from that time ?—A. Yes.

Q. Then the Americans didn't foolishly come in any more for it ?—A. No.

Q. Your cod fisheries and supplies of bait for them have continued to be in a prosperous condition. They did not fail ?—A. Not since I have been on the coast.

Q. Formerly you sent dried fish to Spain, and dried it hard, I suppose, in the way described ?—A. Yes.

Q. Now you send it, dry salted, to Quebec ?—A. Yes.

Q. How long will it keep, dry salted ?—A. Nine months. Until the hot weather of the succeeding summer comes on. It does not make brine at all.

Q. Just dry salt ?—A. The barrels are left porous to allow the pickle to escape. They have holes in them.

Q. Do the Americans send to the Canadian markets any codfish of that description ?—A. Not exactly that description; they partially dry them.

Q. The American mode is not to cure them hard, but to cure them in the sun a few days ?—A. Yes, those that come to our market.

Q. Those will keep a year or so ?—A. No, not very long.

Q. Do the Canadians cure them at all in that method ?—A. No.

Q. The Americans do not cure it hard ?—A. No.

Q. So the amount of it seems to be that there is a different mode of curing codfish in the two countries. Your people prefer the codfish either dry salted, or cured in the American fashion ?—A. O, a good number of hard cured fish is used as well.

Q. Cured as you cure them for Brazil ?—A. The same.

Q. I thought that where the other was obtainable it was generally preferred ?—A. No.

Q. The hard-cured fish keep much longer than the fish you speak of, but I thought that where the people were near enough to have a constant supply of fish not cured hard, they usually preferred it ?—A. Well, the market has been supplied for a number of years previous, and still there is a considerable consumption of large fish that comes from our own fisheries.

Q. Now, the boneless fish are cut-up codfish and hake (I suppose they don't take pains to have the best quality of fish). That is got principally in the States ?—A. Yes; it comes entirely from the States, as I understand.

Q. Is not that the use to which the fishermen put the small fish, less than twenty-two inches long ?—A. They do cut up a good deal of that class of fish.

Q. Before they had the habit of cutting up the fish, there was not

much of a market in the States for small codfish, twenty-two inches long?—A. There was not much home market.

Q. So they had to be dried hard and exported?—A. Yes.

Q. Is your salmon trade with the States a pretty extensive one?—A. It has been.

Q. It does not grow any worse, does it?—A. Yes.

Q. Why?—A. From our railway facilities, which are increased, and bring a large supply into the market from other places.

Q. Then the people further off than Moisie now compete with you?—A. The people, such as those in the Bay Chaleurs, who were shut out altogether from the fresh-fish markets, can now come in.

Q. Will you tell me where the salted herring go?—A. They are principally sold in Canada altogether.

Q. Do any of those go to the States?—A. None of ours.

Q. Those are not in brine, are they?—A. They are.

Q. Do you happen to know whether there is much of a market in the States for that kind of herring?—A. There is a large market for herring. Still, we find we can do better at home.

Q. You expressed an opinion that the cod fishery could not be advantageously carried on with any salted bait, except salt clams, and not so well with that as with fresh bait. Do you happen to know how many years it is since they began to use anything but salt fish on the Newfoundland Banks?—A. No; am not acquainted.

Q. Now, I do not know that I care anything about this starving population at Moisie, but did you read Captain ——'s report?—A. I did not.

Q. Do you know him?—A. Yes.

Q. Is he in good health?—A. Yes.

Q. He is where the British Government or their agents could get him and have him here?—A. He was performing his duties; going around as a fishery officer.

Q. He has been around getting evidence for this case, has he not?—A. Not in my neighborhood.

No. 47.

WEDNESDAY, August 29, 1877.

The Conference met.

JAMES A. TORY, custom-house officer, and formerly a fisherman, of Guysborough, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. How long have you acted as a custom-house officer?—Answer. During the last four years, I think. Previously I was a master of a vessel for, perhaps, thirty years. During a large portion of this time I was trading and fishing on the coast. I was master of my own vessel. I have been during that period partially acquainted with the fisheries along the eastern portion of this province and around the Island of Cape Breton. I have also been slightly acquainted with the fisheries in the Bay of Chaleurs. I am acquainted with the mackerel fishery, so far as the shore fishing is concerned, but I have never prosecuted vessel fishing. The shore fishery I have, however, prosecuted.

Q. Have you seen the American mackerel-fishing fleet on our coasts?—A. Yes; I have seen portions of that fleet on several occasions.

Q. I believe that you were master of a cutter charged with the protection of our fisheries?—A. Yes; I so acted on four different vessels for three years. Their names were the *Ida E.*, the *Sweepstakes*, the *S. G. Marshall*, and the *J. B. Dunscomb*.

Q. During what years did you so act?—A. During 1870, 1871, and 1872, I think.

Q. How far from the shore do the Americans usually fish?—A. That depends on circumstances; they come in as close as they can, where they can find water in which to float their vessels, when they are not prevented from fishing inshore. They come in close to the shore in order to raise the mackerel and take them out into deep water. I have been acquainted with their mode of raising the mackerel during the whole period I have fished on our coast. I have been in the habit of seeing them fishing along shore. There are places where they come within a cable's length of the shore. Where the water is shoaler, they, of course, keep farther off; more than that, I have even seen American vessels come to anchor and spring up to their cables, where there was hardly water enough to float their vessels along the shore.

Q. Generally speaking, how far from the shore are they in the habit of catching mackerel?—A. They commence to fish as close inshore as they can, and then they drift off. This depends upon the winds; when the wind is off shore, they drift off, and when the wind is inshore, they can only fish by coming to an anchor.

Q. When the wind is off shore, how far do they drift off?—A. Until they get into deep water and lose the fish. I would not attempt to define the distance. They may drift off half a mile, or three or five miles, before they lose the fish.

Q. How do they raise the fish?—A. By throwing out bait; and then they drift off until they lose the fish. Afterwards they run in and try again, drifting off shore once more and then running in again; they lose the fish in deep water. It is possible to lose a school of fish in ten minutes after raising them, and they may drift off five miles before losing so.

Q. You say that this is generally their mode of taking mackerel?—A. Yes.

Q. Have you had conversations with American skippers on the subject from time to time?—A. Yes.

Q. What have they invariably said with regard to taking the fish inshore?—A. Their general expression was, that if they were prevented taking the fish inshore, they would have to quit fishing here. I only now repeat what they have told me. The same thing was stated by every one of them with whom I ever conversed on the subject.

Q. Did you ever hear from any of them a contrary opinion?—A. No; never.

Q. Have you ever heard American skippers who were prosecuting the cod fishery express an opinion with reference to the value of the privilege they enjoy, in being able to procure bait on our coasts?—A. Well, they said that if they could not get the bait here, they would have to give up their voyages.

Q. Is that the general opinion?—A. That was the opinion of every man to whom I spoke on the subject. They said that if they could not procure bait on our coast, it would not pay them to come here to fish.

Q. While you were cruising to protect the fisheries, did you ever find any American vessels fishing within three miles of the shore?—A. Yes. While the cutters were present they would not come inshore, but as soon as the former were out of sight, they would slip in; and then if a cutter

hove in sight, they would fall off beyond the limits. This was so in all cases. I have known them to be so brazen-faced as to spring up to their cables and fish in the harbor of Port Hood; this was while I was cruising in a Canadian revenue-vessel. On that occasion I ran from the Strait of Canso to Port Hood, and unfortunately it so happened that there was a patch in my topgallant-sail; they knew it, and as soon as they saw it they went out beyond the limits. I saw the vessels—they were two in number—going out, and with a glass I saw them springing up to their cables while lying in the harbor. I followed them until they were out of the limits, and they shortly afterward went home. They knew what their doom would be if they remained. I would not attempt to say that American mackerel-fishing vessels would not come into the bay at all unless they had the privilege of fishing within three miles of the shore, not knowing what they would really do under such circumstances; but I do not think they would do so. If they are confined to the provisions of the Treaty of 1818, they cannot fish in our waters without violating that treaty.

Q. Do you say this from your own knowledge of the subject?—A. Yes.

Q. And from the opinion you have universally derived from the Americans themselves?—A. Yes.

Q. How many American vessels have you seen in a fleet at one time?—A. I think that the greatest number I ever so saw was about 300 sail in Port Hood Harbor. I also on another occasion saw about 300 sail in Cape Canso Harbor. In this case, but not in the former, so far as I am aware, the vessels were counted, and their number was estimated at 300. I consider that at the time this was not one-half of the American fleet which was then in the bay. It would be very strange to see their whole fleet at once in one place.

Q. Have you heard that they ever have had a large number of vessels in the bay at one time?—A. I have understood that they have had over 1,000 vessels there some years. During other years there were not so many.

Q. Have you ever known of the American fleet ever attempting to raise mackerel save by coming inshore, as you have stated?—A. No. They have followed this practice about Cape Breton and Prince Edward Island, in the Bay of Chaleurs, and about the Magdalen Islands.

Q. For 30 years, you have for the most of the time traded and fished as master of a vessel along the coast during the summer season, I believe?—A. Yes; and for a longer period.

Q. And during this time you have never known of their attempting to raise the fish except within three miles of the shore?—A. No; but still I do not say that they have not done otherwise.

Q. Is the boat mackerel-fishing on the parts of the coasts with which you are acquainted, increasing or decreasing?—A. I think that it is increasing. This fishery is pursued by two classes of men, those who use the hook and line and those who use nets. The former are, I think, increasing, and the latter decreasing. As far as my experience goes I have remarked that when the American vessels keep off our coast, our net fishermen have done better than when there was a large fleet fishing inshore. I only speak of places where I have fished myself—Chesapeake Bay, for instance.

Q. In what year was this the case?—A. It was so every year. I remarked that every year when the cutters which were in the bay kept the American fleet off the coast, those fishermen always made better voyages, taking a large catch of fish. My idea in this respect is that

that when there is a large fleet on the coast, bait is thrown out by them, and the fish are thus detained eating that food until it is too late in the season for the shore fishers to do anything, and that when the fish leave this food, they are in a hurry, and the weather being rough in the fall of the year, they make a straight run of it to the westward. When the fleet was not along shore, the fishermen I have mentioned did better, because the fish came on earlier in the season, and accordingly were found in greater numbers along the coast.

Q. How did you catch the fish?—A. With nets and seines. I think that the year when the Devastation was in the bay I took with one seine at different times 4,000 barrels of fish. Several seines were drawn on the same beach.

Q. Was the American fleet effectually kept off that place?—A. These vessels did not come there, to Chedabucto Bay. There is only the Strait of Canso between it and North Bay, and when the American fleet was kept off the coast the fish came on and came into our bay. The fleet was kept off the coast that year and other years, but I speak of that year particularly.

Q. Did you also buy mackerel?—A. Yes.

Q. Did the duty formerly imposed by the Americans at the time affect the prices paid to the fishermen for the mackerel?—A. When the duty was taken off, after the negotiation of the Washington Treaty, I could not see that it caused the price of our fish to raise at all, or that this affected the price at all. My opinion is that the duty only affected the American fishermen by giving them the privilege of obtaining more than our fishermen for their fish, by the amount of the duty.

Q. That is, when a duty is imposed and the Americans are allowed to fish on our shores?—A. Yes.

Q. What was the difference between the prices paid for mackerel previous to and after the imposition of the duty, and since?—A. I do not know that I can answer this question. I have not been in the habit of exporting fish.

Q. Did our fishermen get more or less for their fish on account of the existence of the duty?—A. I saw no difference in the prices, whether the duty was on or off.

Q. Do you consider that the imposition of a duty upon our fish entering the United States would reduce the price of our fish?—A. It might lessen the price to the exporter from here, because he would have to pay the duty; but I believe that it would affect the price of the fish as regards the Americans themselves, by giving them a bounty of \$2, or whatever the duty might be, over our fishermen.

Q. Suppose that the American vessels were entirely and rigidly excluded from taking fish on our coast, and from transshipping and procuring it here, do you think that this would be in the interest of our fishermen? Would it enrich and make them more prosperous?—A. I think that it would.

Q. And is this the general opinion among our people?—A. Yes.

Q. They think that it would be to our advantage to protect thoroughly our fishermen?—A. Yes; that is the general expression of opinion among our fishermen.

Q. Of course you know the opinion of our people on the subject?—A. I am pretty well acquainted with it as far as the fishermen themselves are concerned.

Q. I believe that you have made a great number of inquiries in this relation of late years?—A. I have spent a good deal of time in doing so.

Q. And that is the general opinion?—A. Yes; among our fishermen.

Q. Do our people consider that it is a great advantage to them to have the duty the Americans formerly imposed on our fish remitted?—A. I have heard them say that they would willingly pay the duty if the Americans were prevented from fishing on our shores.

Q. To what part of the coast were you assigned for the protection of the fisheries?—A. I was stationed between Cape Canso and Cape North on the southern side of Cape Breton, with the privilege of going around the island of Cape Breton when I had time.

Q. I believe that this part of the coast is not so well adapted for mackerel-fishing as other parts?—A. No. It is less resorted to than other parts by the American vessels.

Q. Did you capture any American vessels?—A. Yes; three or four, I think, for fishing within the three-mile limit.

Q. And you are satisfied that a great many other American vessels run great risks by so fishing?—A. Yes; I followed several of them for doing so. Of course I did not allow the patch in the sail I mentioned to betray me another time. I sent to Halifax and procured a new sail.

Q. Did you ever know of any of our vessels go to fish in American waters?—A. I never heard of any save one. I was on board of her, and the captain told me that she had been fishing there this spring.

Q. Where is that vessel now?—A. She went to the North Bay, seining. I saw her seining there. I cannot tell where she is now. I forget her name, though I made a record of it. I have not the paper by me.

Q. How long was she there?—A. A short time.

Q. Did she catch anything?—A. The captain told me that he took about 110 barrels fifteen miles off the American shore. I also took the captain's name, but I forget it.

Q. Are there a large number of light-houses on the coasts of New Brunswick, and Nova Scotia, and Quebec?—A. Yes.

Q. Is their number being increased?—A. Yes; this has been the case of late years.

Q. Is that an advantage; and if so, what advantage is it to the American vessels?—A. It is a very great advantage to all vessels, and to American vessels as well as others. Formerly American vessels paid light-dues, but of late years up to four years ago, as far as I am aware, they have not done so. I think that they paid light-dues during the existence of the Reciprocity Treaty, these being collected at various points.

Q. Are you acquainted with the coast of Machias, Seal Island?—A. No.

Q. Do you know the number of lights that are in the gulf?—A. No; but I know that their number is very considerable.

Q. Have the number of fog-whistles on the coast been increased?—A. Yes; but I do not know that I can give their exact number. There are quite a number of them.

Q. These are useful to the fishing-fleet?—A. Most assuredly they are.

By Mr. Dana:

Q. You have had no actual experience as a fisherman in sea-going vessels?—A. I have never fished in vessels; I have done what we call shore fishing.

Q. You would go out and return the same day?—A. Yes.

Q. And all you have to say about the deep-sea mackerel-fishery is derived from other persons?—A. No. What I have stated has been derived from my own observation, because I have fished in harbors, and

have gone from home prosecuting the fishery in different harbors where I have seen the vessels to which I have referred. I have gone from Pictou to Fox Island, and about Cape Canso, and from there to Port Hood, and Sydney, and other places.

Q. You have not fished in a vessel of your own on the deep-sea fishing-grounds?—A. No.

Q. Therefore, all you can tell us in this regard has been derived from others?—A. No; it is derived from my own personal knowledge. I have myself seen the American vessels engaged in fishing.

Q. On the deep sea?—A. You may call it the deep-sea fishery, but I call it the inshore fishery, within 3 or 4 or 5 miles of the shore.

Q. You do not mean to speak about the fishery beyond that, as personally acquainted with it?—A. No.

Q. You say that it would be no use for the Americans to come here and fish for mackerel unless they could catch bait here?—A. I did not say so. I said that it would be no use for them to come and fish for cod unless they could catch bait here. They bring their mackerel-bait with them, I presume.

Q. Do you consider that the effect of a fleet fishing within three miles of the shore, for instance, is to detain the fish at the place where the vessels are fishing?—A. Yes.

Q. Owing to the throwing of bait overboard?—A. Yes; in consequence of this the fish do not move on as usual in the course they are accustomed to take from one point to another.

Q. Have you found that this is the experience of fishermen pretty generally?—A. Yes.

Q. And the fish are driven off shore with the gales?—A. These also detain them in the North Bay; and consequently the fishermen to the westward are deprived of their usual catch. I do not mean to say that the throwing over of bait keeps the fish in one spot all the time; but this is generally the case when a large fleet is scattered over an extensive surface of water. The fish remain in such a neighborhood longer than would be the case otherwise. I think that boat-fishing is accompanied by the same tendency.

Q. Do you find that the fish are driven away by the throwing overboard of gurry and matters of that sort?—A. If a vessel throws overboard gurry, she will not stop to catch fish in that place, but make for a new berth. I think this is the best proof of the fact that she cannot procure fish where offal has been thrown. When they are about to throw offal overboard the vessel will jog off, so as to have it thrown outside of their own fishing-grounds. The vessel will hardly be moving at the time, having only steerage way. When the work in question is done the vessel works inshore and tries again for fish.

Q. And you think that the effect of throwing offal overboard is to drive the mackerel from the place where it is thrown in to some other point?—A. Yes; and this remark applies not only to mackerel, but to all kinds of fish. The throwing over of offal disturbs the fish.

Q. Has a trade in squid grown up in Cape Breton?—A. Large quantities of squid are caught there.

Q. What do the people do with it?—A. The inhabitants sell them to the French fishermen from St. Peter's, or to Newfoundlanders.

Q. Do the St. Peter's fishermen come there in their own vessels?—A. No; they charter vessels from Fortune Bay, Newfoundland. While on the coast in a cutter I considered that I would not allow French vessels to come there more than I would American vessels; but I found the French fishermen mostly on board of British vessels.

Q. Newfoundland vessels could come there?—A. Yes; I would not interfere with them.

Q. Do you think that this was a promising trade to the people?—A. I think so.

Q. You did not object to the French coming there to buy squid, I suppose?—A. I did not treat them as Frenchmen, when I found them in British vessels.

Q. Suppose that a French ship were to have come there under French colors, not to fish but to purchase squid as a matter of trade, did you understand that you had a right to seize the vessel?—A. I should forbid their buying if that was their object; but they would not come merely to buy; they also came to fish. They combined together fishing and buying; that was the only way in which I ever met them on the coast.

Q. Suppose a French vessel merely came to purchase squid, would you consider yourself authorized to arrest the men on board?—A. I do not know that I would have done so with either a French or an American vessel under such circumstances. I have known American vessels come there to buy bait, and I did not interfere with them, save so far as to compel them to go to a custom-house to enter goods and pay duties if they were selling goods.

Q. I observe in your report dated November, 1872, and published in the report of Commissioner of Fisheries in 1873, that you say:

I would here mention that a new trade in a species of fish known by the name of squid (which has heretofore been looked upon as useless except for bait) has sprung up on the eastern coast of Cape Breton with the French, who come to that part of the coast in Newfoundland vessels, and there purchase cargoes of those fish, which amount to a considerable sum of money, and are carried by them to St. Pierre and the Banks to supply their fishermen with bait. I have no doubt but this branch of our fisheries will be continued and further extended, and thereby become a profitable source of wealth to those engaged on it.

Have you now any reason to change the opinion you then and thus expressed on that point?—A. I have not.

Q. These vessels which came to buy cargoes of squid, dealt directly with the fishermen, did they not?—A. Yes, so far as I am aware.

Q. Would you not consider that this was a benefit to the fishermen concerned in that trade?—A. Yes.

Q. For what offenses did you seize American vessels when in charge of cutters?—A. For violating the treaty of 1818, by fishing within three miles of the shore.

Q. Did you ever arrest an American vessel merely for purchasing or selling matters of trade?—A. Yes; I seized one for selling dutiable goods.

Q. What was her name?—A. I forget, but I think it was the Grenada. She was at the time in Port Hood Harbor. I found on board of her a quantity of what would be called smuggled goods, and a large quantity of dutiable goods which she had not cleared out at all from any American port. She got them on the way up somewhere. She had liquors on board.

Q. Had this vessel any license to trade?—A. I think that she had an American license to trade. She was on a fishing voyage.

Q. And had goods on board to trade with?—A. Yes.

Q. Did she not have a manifest of them?—A. I think so; but there were on board goods which were not included in her manifest.

Q. Did you seize her for that reason?—A. I seized her for selling on the coast goods which had not been entered at the custom-house.

Q. Had you proof of this?—A. Yes; I was aware of it.

Q. Why did you seize her if she had a manifest, and conformed to the laws and had a manifest?—A. She did not conform to the laws; she was over a week on the coast without going to the custom-house to report.

Q. Then you did not seize her for trading?—A. I seized her for the violation of the customs laws generally, and she was condemned for selling goods which were not mentioned in her manifest, and for the violation of the custom-house regulations.

Q. What became of the vessel?—A. She remained in Guysborough harbor while the captain and owner came on to Halifax. The latter would not go before the admiralty court, but he made an arrangement with the deputy minister of justice, to deposit a sum of money as a fine. The money, \$800 I think, was deposited with the minister of customs, and the vessel was allowed to go. The minister of customs was to see whether the fine would be reduced or not.

Q. And you do not know whether anything was really paid?—A. I only know that the money was deposited.

Q. Did you capture more than one vessel for trading in violation of the laws?—A. Yes; I seized a schooner called the D. H. Mansfield.

Q. For the same reason?—A. Yes.

Q. What became of her?—A. She was liberated. A portion of her cargo was, however, confiscated and sold. She had sold large quantities of kerosene oil.

Q. Did you arrest any more American vessels for that reason?—A. Not that I am aware of just now.

Q. How many American vessels have you arrested solely for fishing within three miles of the coast?—A. Four, I think.

Q. Where?—A. One at Aspée Bay, one at Ingonish, one on the south side of Cape George, and one at Broad Cove.

Q. Did you catch them all fishing within three miles of the coast?—A. Yes.

Q. Did you see them doing so?—A. Yes.

Q. What became of them?—A. One was confiscated and sold; another was confiscated, and bonds, which I presume were paid, were entered into for her; one was stolen, and the fourth was confiscated and sold under condemnation of the admiralty court.

Q. Was the vessel which you mentioned as having fished in American waters the Lettie?—A. I think not. I was on board of her in Causo Harbor, and the captain told me he had been fishing in American waters; I had no reason to disbelieve the statement. He lives in Nova Scotia, on the western shore, in Shelbourne I think.

Q. When did you see this vessel?—A. Within the last two months. He went south as far as Delaware, I believe, and fished in American waters this spring. He went down to meet the mackerel and follow them up, I presume.

Q. Did he get up about the time that the mackerel were due here?—A. I saw the captain within the last two months and I think he had then but a short time returned from the American coast.

Q. He had not then fished up here?—A. I do not know but that he had been trying for fish on his way up. The vessel was a seiner; I saw him afterwards with a seine, and it was in the water I think at the time, in Chedabucto Bay. I think he had been here and discharged whatever he had had on board, and fitted out anew. He said that he intended to fish up here.

Q. During how many years have they been building up the light-houses and fog-whistles which you mentioned on this coast?—A. Since

Nova Scotia was first settled I believe; but during the last ten years their number has been increased much faster than was the case previously.

Q. That is since 1867?—A. Yes.

Q. This was after the termination of the Reciprocity Treaty; then do you suppose that all this has been done to enable the Americans to fish more safely within three miles of the shore?—A. I do not say that they have been established especially for the benefit of the Americans; but I say that they are a benefit to the Americans.

Q. That is if the Americans are near the coast?—A. They are half of their time within gunshot of the rock on our coast.

Q. You do not mean to convey the impression that what I mentioned was a part of the policy of the Dominion?—A. No; these light-houses and fog-whistles have been erected for the benefit of the maritime interests of the Dominion, I presume.

Q. And of all foreign vessels that have a right to come here?—A. Yes; it is done to make our coast more easy of access.

Q. Do you suppose from your experience that it would be practically possible to keep the American fishermen from fishing within three miles of the coast, whatever a treaty may declare, with such expenditures at least that are likely to be made for the purpose?—A. That will depend chiefly on the degree of protection provided for the purpose along the coast.

Q. What protection will likely be given within the limits of probability and reason, that will enable you to keep the American fishermen from fishing within three miles of the coast, so as to afford to your own fishermen a practical monopoly of your fishing-grounds?—A. In the first place armed vessels would have to be provided, and in the next place detectives would have to be stationed along the shore, and in the harbors where and to which the American vessels resorted. The latter would watch every movement these vessels made and report them, and finally if the vessels violated the law, this would lead to seizures, and hence they would find it to their interest to keep off our shore.

Q. Do you think that if sufficient watchfulness was shown and if a sufficient number of officers was appointed to do the work, it would be done?—A. I think that it can be done with proper officers.

Q. You consider it practicable?—A. Yes.

Q. With a reasonable expenditure?—A. I would not undertake to speak on that point. I think that it would entail considerable expense. I do not know what the government would decide upon in this regard.

Q. It would require a pretty large expenditure?—A. Certainly; because our coast is a very long one.

Q. It would be necessary, I suppose, to have the co-operation of the people living on the shores of those Provinces in order so to exclude the Americans?—A. I do not know that this would be necessary. If I am an officer, I have simply my duty to perform, without regard to whether I am indorsed in its performance by the inhabitants or not.

Q. Suppose that fishermen and others, and a large class of people along the coast, had an interest in having the Americans come here, as they wanted their trade with regard to the sale of bait and frozen herring, and of such articles as can be lawfully sold with a license to trade, do you not think that it would be a more difficult and expensive matter to keep the Americans off the coast than would otherwise be the case?—A. In the first place, the class of persons who are interested in and who have this trade is the smallest number, by a very great degree, among our inhabitants.

Q. But if there were a considerable number of such persons, would not this fact make it more difficult for those on the cutters and other people interested in the matter to keep the Americans off the coast?—

A. I do not think it would.

Q. You have said that the throwing over of gurry tends to drive the mackerel from the place where it is cast?—A. Yes.

Q. Why, then, does not the pogie-bait, consisting of the heads, body of the fish, and whatever they contain, also drive the fish away?—A. If I correctly understand the mode of preparing this bait, the fish themselves, but not their garbage, are used for bait.

Q. Nothing but what remains after the heads and tails are cut off, and they are cleaned, is used for bait, in your opinion?—A. Yes.

Q. With reference to the throwing over of this gurry, suppose that there is a very strong current—8, 10, or 12 knots an hour—where it is thrown, do you not think that this would make a difference?—A. Yes, if such a thing existed; but a 10-knot current cannot be found on the coast. Even in the Strait of Canso and in some tidal harbors the current runs only at the rate of about 4 knots; but around the coast the current runs at times only half a knot, or a knot, or, at the most, two knots an hour.

By Mr. Weatherbe:

Q. Do you know anything about the number of barrels of mackerel which the American vessels catch in our waters?—A. The vessels vary in this respect. I was informed by the master of an American vessel that they landed from 1,500 to 1,600 barrels during one season at the Strait of Canso. Part of these were transshipped, and the rest were taken home in the vessel at the end of the voyage.

Q. How many trips did he make that season in the bay?—A. I think that vessel made four trips that season. I understood so, at least, from the master.

Q. Do the American vessels make more than one trip a season?—A. Some make only one, while others make two and three trips; while in the case I just mentioned, as well as in several others, vessels made four trips a season. This is done when they land their fish on the coast and transship, thus preventing time being lost by them, as would be the case during the season if they took the fish home.

Q. Have you a sufficient knowledge of the American catch in our waters to average it?—A. It would be a pretty difficult thing for me to do that.

Q. Judging from the inquiries you have made, what would you consider the average per vessel to be?—A. It might be from 500 to 600 barrels a season; but I would not attempt to speak decidedly on this point.

Q. Do American vessels come to our coast and combine fishing for and the buying of bait?—A. Yes; they will buy it from the inhabitants; while their crews will catch it, when the opportunity for doing so is presented, by the appearance of a school in their neighborhood at the time.

Q. I believe that one of the four vessels which you seized was stolen?—A. She was taken out of Guysborough Harbor.

Q. By force?—A. Some one took her off. She had been seized, brought in by me, and stripped of her sails and rigging, which were placed in store. The latter was also taken away. This was done in the night. I had two missions: one was to protect the fisheries, and the other to protect the revenue. This was the case all the time I was cruising on the coast.

Q. Could the Americans be effectually excluded from our coast fishing-grounds at very small cost, which would be repaid by the recovery of a very large amount from the sale of vessels seized? Is it not possible and quite practicable to do this?—A. Yes; detectives would have to be employed in the work.

Q. Would it not be quite practicable for detectives to go on board vessels, or observe their movements from the shore, taking their names and noting the circumstances under which the vessels were seen, and to have the vessels afterward seized wherever found?—A. It could be thus ascertained, when they had violated the law, and they could be seized by armed vessels. These latter would be necessary for the purpose.

Q. Do you think that the crews would resist by force?—A. They would be strange men if they did not, on opportunity for doing so presenting itself.

Q. But assuming that they would not resist any legal means employed in seizing the vessel, what would be the case?—A. Certainly; then they could be taken without any expense.

Q. Is it unusual to seize vessels in port. I think that you so seized one of our own vessels the other day for a violation of the law?—A. Yes; that was a very simple thing, because when I took her papers she became useless to the owner or crew.

Q. It is fair to assume that no forcible resistance to the constituted authorities would be made by crews of American vessels on being seized, under the circumstances instanced?—A. If there was no resistance they could be taken without any trouble.

Q. Then it could be done without the aid of armed vessels?—A. No difficulty would be experienced in making seizures if no resistance to it were offered, but my opinion is that work of that kind cannot be carried out without the co-operation of some force.

Q. But force could be available in the port where the seizure might be made?—A. Yes.

Q. Assuming that such provision were made at the Strait of Canoe, could vessels be there seized for violation of the law, and this be carried out without difficulty?—A. If the crew did not resist, the vessel could be taken without any trouble. In that case it could be done with a very small expenditure.

Q. Taking care that no case would be tested unless you were absolutely certain as to the facts, would it not be quite practicable to prevent altogether American vessels from coming inshore and fishing illegally if this were illegal at any time?—A. It could then be done with less expense certainly; detectives could be stationed all around the coast, and as soon as the violation of the law by vessels was ascertained, and the latter were aware of what was being done, they would keep off the coast.

Q. You never met with any resistance when making seizures?—A. No; I cannot say that I did.

Q. Did you ever meet with any resistance in such cases?—A. It was needless to attempt it; but I do not say that this would not have been attempted if I had not been prepared for it.

Q. You had only one small vessel?—A. Yes.

Q. And they had a large number of men on their vessels?—A. What was the good of them; they were not armed. If three or four unarmed men came on board a vessel which had a crew of twenty men, the latter, if they were worth a button, would chuck them overboard.

Q. But if the crew knew that they had violated a law equally pos-

essed by both countries?—A. When I made seizures, every man of them knew that they had violated the law, and they acknowledged it.

Q. Has the trade with American fishing vessels been very valuable to the people living in the Strait of Canso?—A. I think not as a whole.

Q. Have our people profited to any extent by this trade?—A. I think not, because, if this had been the case, we would likely see the result of evidences of increased prosperity; I consider that the result has been on the other side of the lee.

Q. The Americans buy certain necessities from the traders on shore?—A. Yes.

Q. Do not these merchants make any profit out of this business?—A. They may do so at the time, but I do not think that any of them have made money out of it in reality. Appearances are decidedly against the view that they have done so.

Q. Why do they not make money out of this business?—A. They buy a large quantity of goods for the purpose of supplying the Americans, and these goods often lie on their hands for a long time, thus occasioning loss. The Americans do not come and trade for the purpose of pleasing Canso people; they only buy what they actually need.

Q. Is it a usual thing for these dealers to have goods lying on their hands for a long time?—A. Yes.

Q. Have you conversed with the traders themselves on this subject?—A. I have talked with some of them, and I have known goods lie on their hands for years.

Q. Did they tell you that they had lost money in this business?—A. I think that, as a general thing, they have lost money. Sometimes they may make it.

Q. No licenses to trade are issued on our coasts?—A. No; I know of no such papers being issued.

Q. No American vessel can be licensed to trade on our coasts?—A. We pay no attention to the kind of trading papers which the Americans bring here. I take it for granted that this is a privilege granted them by the United States customs authorities.

Q. But the Dominion issues no such papers?—A. No. And we do not acknowledge the validity of their papers at all.

By Mr. Foster:

Q. Did you seize vessels for preparing to fish?—A. I seized one under such circumstances.

Q. What was she doing at the time?—A. Buying bait.

Q. What was her name?—A. The J. H. Nickerson.

Q. The case was tried here?—A. Yes; all these cases were tried here.

By Mr. Weatherbe:

Q. Was this previous to the Washington Treaty?—A. Yes; it was done while I was in a cutter.

Q. She was one of the vessels sold under decision of the admiralty court?—A. Yes. Perhaps it would only be right for me to explain that I seized her on the second occasion of her violation of the law to my knowledge. The first time I caught her I drove her off and she came back within three days and repeated the offense.

By Mr. Foster:

Q. You seized the vessel for buying bait?—A. Yes.

By Mr. Weatherbe:

Q. What were the men on board of her doing on the first occasion?—

A. They were buying bait. I warned her off and the vessel after a while went away, but within three days she returned to the same spot.

By Mr. Foster:

Q. And you warned off a good many other vessels?—A. I did.

Q. It was considered part of your business when you found an American vessel buying bait on the coast to warn her off?—A. I had no orders to warn them off, but I had orders to seize them for violation of the treaty.

Q. But you did give her notice?—A. Yes. I took that responsibility upon myself.

Q. This was the sort of thing of which the Americans complained, was it not?—A. I do not think that they complained of that particularly more than they did of anything else.

Q. The vessel was condemned here in Nova Scotia?—A. Yes.

Q. You found a judge in Nova Scotia who held that buying bait was a violation of the treaty, because buying bait was preparing to fish?—A. He condemned her.

Q. And they held the other way in New Brunswick, did they not?—A. I do not know anything about that.

By Mr. Weatherbe:

Q. She was buying bait to go cod fishing?—A. I cannot say whether the bait was caught or given, but I presume that she was buying it.

No. 48.

ROBERT MCDUGALL, of Port Hood, in the county of Inverness, C. B., sheriff of the county, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You are sheriff of the county of Inverness?—Answer. Yes.

Q. You reside at Port Hood, the shiretown of the county?—A. Yes.

Q. Previous to your appointment as sheriff you were, I believe, carrying on business?—A. I was.

Q. Will you be kind enough to say how many years?—A. I have been carrying on business for myself for sixteen years, and I was carrying on business for another man in the same locality eight years.

Q. That is 24 years altogether?—A. Yes.

Q. At Port Hood?—A. Yes, part of the time on the island.

Q. That is at the mouth of the port?—A. Yes; the island is the cause of the harbor.

Q. At what time were you appointed sheriff?—A. In 1869; in February.

Q. You had an opportunity of communicating personally with a large number of skippers of American vessels?—A. I had.

Q. Did they deal with you?—A. They did, sir.

Q. Did they deal with the gentleman whom you served previously?—A. They did, sir.

Q. Then during that period you had constant opportunity of meeting them?—A. I had.

Q. During the fishing season, were they in and out of your place frequently?—A. They were.

Q. What number have you seen in that port at a time?—A. The most I can say upon oath that I ever saw was about 300 sails.

Q. At anchor in your harbor?—A. Yes.

Q. At one time?—A. Yes; I remember getting upon a high hill and counting them.

Q. How far is the island from the town?—A. A mile and a half.

Q. Did they fish between the island and the land ever?—A. Well, I saw them fishing at anchor in the harbor.

Q. Well, did the mackerel frequent the shore between that island and the town?—A. The mackerel comes right into the harbor along the coast as far as the eye can reach on each side, north and south.

Q. And do they frequent the shores of the island itself?—A. Yes, they do.

Q. Then they frequent the shores of the harbor and of the island?—A. They do.

Q. The American vessels fish for them between the island and the town?—A. Well, I have often seen them raise mackerel in the harbor and fish away there; but they go out in the bay to fish. They generally go out of the harbor, north, south, and west, and lay to.

Q. These skippers dealt with you during the time you did business?—A. Yes, considerably.

Q. They bought certain articles that they required on board their vessels?—A. Yes.

Q. To any large extent?—A. No; they generally got some wood and some provisions that they wanted.

Q. Well, I would like you to state to the Commission, without going into details for that long period, the nature of that trade, what advantage it was to you and what advantage it was to them.—A. Well, the first year I went there on my own account. I hadn't half enough of anything that they wanted. Next year I went largely into it. I imported largely, and that year I didn't do anything at all. Then I was overstocked.

Q. So from year to year you could not tell exactly?—A. No; and eventually I had to cave in, as the saying is. I failed.

Q. After all that long period of endeavor to serve them and make money out of them?—A. Yes. One year I would have a rush and another year nothing.

Q. To attract them at all, it was necessary to have everything that would be required?—A. A little of everything. If I had stuck to my own people and kept nothing but what they wanted, I would have been better off.

Q. Do you give that as a fair illustration of the value of the trade with the American mackerelers on that coast?—A. I do.

Q. There are a number of other gentlemen, also, that carried on that same business in the strait?—A. Yes.

Q. Generally speaking, how have they fared?—A. As far as my opinion goes, and from what I know, when the American fishermen left off coming in the bay—there was hardly a man in the Gut of Canso but when the Americans failed to come in the bay they failed in their business.

Q. Well, during the period that business went on, however, all that length of time, what kind of a business was it; was it profitable from year to year?—A. No; they always told me that it was an unprofitable business.

Q. Well, during the period you were going on did you find it fluctuate in such a way that you were embarrassed?—A. Yes.

Q. Continually?—A. Yes; it was not a sure business at all.

Q. They bought just what was necessary?—A. Yes; that was all.

Q. Was it an advantage to them to get these things? Could not they

send home or go home?—A. O, they could have sent for them, but it was an advantage to them to get them there, for they might lose a great deal of fishing by having to go home.

Q. What kind of things did they get?—A. Wood, butter, sugar, molasses.

Q. Vegetables?—A. Yes, potatoes.

Q. Well, did you keep a supply of that kind of thing for them?—A. Yes.

Q. That is perishable?—A. Yes.

Q. Did you make any money on that?—A. No; for instance, this time I was telling you about, when a large fleet was in the bay. It was not one time but several times that there was a large fleet, but this time they got a good supply. They would clean me out, and I would get a good supply next time, when perhaps they would not come in at all. I had to throw out 200 or 300 barrels of potatoes.

Q. I don't want you to go into details largely, but do you give this as a frank description of the kind of trade that is carried on?—A. Yes. A stranger to come in would think we were making money hand over fist some days, but at the last we would make nothing.

Q. They would go to Souris or somewhere else next time?—A. Yes.

Q. When there were 300 of their fleet in there, what proportion did they usually estimate that to be of the whole fleet in the bay?—A. I never knew of any more than 600 being in the bay.

Q. What did they estimate it to be themselves?—A. I know I have often asked them. I used to think the whole fleet must be in. They used to say generally that there was only half of them.

Q. That was when there were how many in?—A. Three hundred.

Q. Would you give that as a general average there?—A. Yes.

Q. How much?—A. About 300.

Q. But you said before that was half?—A. Yes.

Q. Did they say that was half, or that it was not half?—A. They would say about half.

Q. Then you would give 600 as the general average?—A. Yes.

Q. Have you heard of a larger number being in some seasons?—A. No, not of the Americans.

Q. We had an American captain who said he was in the bay with 900?—A. I never heard of 900 being in the bay.

Q. Well, then, you give 600 as the average?—A. Yes. Of course, these last years there is nothing like that.

Q. There are fewer?—A. Yes.

Q. How is it this year? Is the fishing likely to be better?—A. Well, these four years past, since the American vessels don't come as numerous as they used to, our boatmen have fairly made what they call a little fortune.

Q. These boatmen have made a little fortune?—A. Yes, some of them.

Q. How many are there of them?—A. I have counted 60 in one day, not over a fortnight ago.

Q. Canadian boats?—A. Port Hood boats. I saw them in one string. They go together. The more the boats are tied together the less bait it requires. Very little bait comparatively does them, and when they are together they keep the school alongside of them.

Q. So that you would consider that the fish are there ready to be caught?—A. Yes.

Q. They are ready to take either hook, British or American?—A. Yes, indeed. Well, they tell me that the fish are plenty as ever but that they don't bite.

Q. Well, how did they make their little fortunes then?—A. By catching mackerel.

Q. Those mackerel that did bite?—A. Yes.

Q. Then there must be an immense quantity, if there is besides those that they catch a large quantity that do not bite?—A. You could take them up in a scoop-net, sometimes, they are so thick there. I have often gone in a boat myself for the novelty of the thing.

Q. I believe the Americans have a better way of taking them than we have—some improved bait?—A. I believe they had at that time, but I think some of our men are fully able to catch them now with the Americans. At that time, when the Americans used to frequent the place, they were no doubt ahead.

Q. Since you have been appointed to your office you do not know so much about the matter?—A. No, only what I can hear. The fishermen around there tell me that since the Americans left off going down they caught their fish right inshore.

Q. Now, do you know where the American cod-fishing fleet procure their bait?—A. Yes, a good many of them.

Q. Before I leave this matter, do you know from the Americans themselves where they fished—how near the shore they fished? You have seen them, have you?—A. Yes.

Q. Where?—A. Within three miles of the shore often.

Q. What is their usual method of fishing; when they come in where do they run first?—A. Between Port Hood and Margaree, and in Bay Saint George.

Q. How close do they come?—A. When they first commence to throw bait they are from half a mile to a mile and a half or two miles. I have seen them come over where a boat would be fishing from half a mile to two miles out, and I have seen the vessels go and take the school away from the boats.

Q. Well, state whether their usual habit is to fish within or without?—A. The usual rule when there was no cutter was to fish within three miles.

Q. Now tell me if you know this from the Americans themselves, or whether you saw them day after day?—A. Some used to tell me that only for these cutters they could load up in no time. I have often and often heard them say that. In fact, in those days I rather liked the Americans.

Q. You didn't want them to break the law?—A. No. I used to like them as a people, and they used to deal with me, and they would express anything to me.

Q. They would express themselves fully to you?—A. Yes.

Q. You have heard them over and over again say that only for the cutters they would be able to load up?—A. Yes.

Q. I was asking you as to the cod-fishers, where they procure their bait; the American cod-fishing vessels?—A. I don't mind that any of those vessels caught their own bait, but they used to come inshore to buy it.

Q. You don't remember their catching bait at Port Hood?—A. No.

Q. Their practice was to buy from the boats?—A. Yes. Sometimes they used to run their chance of nets. They would get a fisherman's net and give him so much for the chance. For instance, if they came inshore they would ask how many nets there were. They would say, 'How much will you take for your chance for the night?'

Q. They would pay them so much for the hire for the night?

Mr. FOSTER. That is not the statement of the witness.

Q. Who would use that net? Who would handle it?—A. The Americans would use it, and take the fish out next morning.

Q. They would pay so much to the men for it?—A. Yes.

Q. Was that usual or unusual?—A. It was usual, especially on Saturday, if it is not unfair to say it.

Q. I would like to ask you whether you think cod-fishing could be carried on without getting that bait?—A. I could not say, there might be other ports.

Q. Unless they procured fresh bait on our shores, could they carry on the fisheries profitably by bringing salt bait from home?—A. No, no; they could not do it.

Q. Do you happen to know whether that is the opinion of the skippers of the cod-fishing vessels?—A. Well, I have never got any opinion from them, but I have seen it myself.

Q. Have you paid attention to the matter as to whether during the period when the duties were imposed on mackerel the fishermen got as much for them as they did before or afterward?—A. I always considered if there was a duty imposed that they got the same; that when the duty was taken off, of course they got the same price, less the duty.

Q. Do you know the price they would take for fish?—A. I have known mackerel as high as \$23.

Q. Do you know as to the price they got for mackerel at the time the duty was imposed? At the time there was a duty on mackerel do you know what the price was? Take from 1860 to 1872 and 1873, do you know what the price was then?—A. I could not say, but I know during the Reciprocity Treaty.

Q. What was the price then?—Well, I went up myself in an American vessel and I got \$22; some got \$23.

Q. What year would that be?—A. That would be 1860, about.

Q. But I was asking you as to the price the mackerel sold for at your place?—A. What year?

Q. Take 1868 or 1869?—A. Well, about \$10 was what we gave for the mackerel out of the boats. We never bought from the Americans, you know. That is what I bought them for out of the boats myself.

Q. That is what you paid your own fishermen?—A. Yes.

Q. Was that a pretty good price?—A. Yes, a pretty fair price; it would not be the average though, because it would be for good mackerel; there are three qualities.

Q. That was fresh at your own wharf?—A. Yes.

Q. Did you ever pay more?—A. Yes; \$19.

Q. What year; this very year, 1860?—A. Yes.

Q. That was an exceptional year?—A. No doubt of it.

Q. Very exceptional?—A. I do not believe they ever were so high since.

Q. Can you give us what was the average from 1866 to 1872?—A. The mackerel have been coming down; I would not like to say more than \$10 in that period. I do not remember.

Q. What time did you speak of dealing in mackerel?—A. About 9 years ago, or 8 years ago.

Q. You haven't dealt in mackerel since?—A. No.

Q. Then are you acquainted with the prices?—A. Yes; I am.

Q. What were they on an average, if you can recollect?—A. I would not say for the average, taking all the numbers, over \$6.

Q. Since the Washington Treaty?—A. Yes.

Q. In 1868-'69 you say they were about \$10?—A. Yes; I should say so.

Q. Did they continue that average down to the treaty?—A. I should think they did. I made a low average because that one year they were so high.

Q. But that was long previously?—A. Yes.

Q. But you say that for several years previously to the Washington treaty the average was about \$10?—A. Yes.

Q. That was fresh mackerel, bought from the boats at your place?—A. Yes.

Q. And since the treaty \$6 would be a fair average?—A. Yes.

Q. Can you tell me what the general opinion of your people is with regard to excluding the Americans from fishing? Do they think it would be better for our fishermen if the Americans were strictly excluded from three miles from the shore, generally speaking?—A. I have talked to several of them. Their opinion is that if the American people were excluded from our waters, our own people that are away in the States would come home and fish at home, and perhaps the consequence would be that a good many Americans would follow them and fish here; and the increase of people is the making of a place.

Q. My question is whether, if the Americans were excluded, our people would prefer it; that is, to have our fisheries to themselves?—A. Of course they would. That is what I say; they would.

Q. I want to know whether they attribute their making money lately to having the fisheries to themselves. You say they have made little fortunes lately. The Americans have not come in, so many of them?—A. No. I have known some of our fishermen, that are half fishermen and half farmers, pay as high as a dollar a day to a man to do their work on shore and go out themselves fishing, and get as much as would pay a man a month's wages in one day. I know they attribute their success to the fact of the Americans not taking the fish away into deep water. They used to do that; there is no doubt about it.

Q. Have you ever heard of any Canadian vessel going down into the American waters to fish?—A. I believe I did, not long ago.

Q. From whom?—A. I think I saw it in the paper.

Q. Do you recollect whether it was a real vessel or not?—A. I could not tell; but I heard people talking about it, that it was a made-up thing.

Q. How many years since you heard of that vessel?—A. I heard of it this year.

Q. Did you ever hear of that or any other before?—A. No.

By Mr. Foster :

Q. In what year did you begin business for yourself?—A. Eighteen hundred and fifty-two.

Q. What year was it that you failed?—A. Eighteen hundred and sixty, I think.

Q. What year was it that you got 300 bushels of potatoes to sell to the Americans, and had to lose them all?—A. I could not tell you.

Q. Well, what year was it that the Americans began to fall off from buying?—A. Well, it was about six years ago that they began to fall off.

Q. You have had very few since?—A. Very few, comparatively speaking. Sometimes the mackerel would strike over to Prince Edward Island, and, although we would not see the fish, they might be there.

Q. But in your place, these six years past, you have had very few?—A. Yes.

Q. Was it the falling off of the Americans that made your business

fall off?—A. Yes. My business? No, it was not. It was just that I prepared too much for them. I went in debt to prepare for them.

Q. You went too far from shore?—A. Yes; if that is what you call it.

Q. Do you say that all the people engaged in this business failed when the Americans ceased to come there?—A. Yes; they broke down. Well, they had no capital to go on.

Q. When the Americans ceased to come they all failed?—A. They all failed before.

Q. I thought you were making money hand over fist?—A. We were just between wind and water.

Q. What did you expect the result to be if you could ever exclude the Americans from your inshore fisheries? Was it that your young men who had gone to the United States would come back?—A. Yes; I think so.

Q. Are there a great many of them now fishing in American vessels?—A. A great many.

Q. They generally all settle in the States?—A. Principally.

Q. So that you actually lose population?—A. O, some of them come home in the winter.

Q. They usually come home better off?—A. I think some of them are worse off. Some of them have eventually to come home with their wives and children to live with their parents.

Q. So you think when the Americans came there they hurt you, and when they ceased coming they hurt you, and when your people go to the States it is injurious, and it is a bad business all round.

No. 49.

THURSDAY, August 30.

The Conference met.

P. FORTIN, of the city of Quebec, member of the Legislature of the Province of Quebec, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre:

Question. You are a member of the Legislature of the Province of Quebec?—Answer. Yes.

Q. You have been, lately, I think, speaker of that assembly?—A. Yes; I have been speaker.

Q. You were for sometime a member of the House of Commons of Ottawa?—A. I was for seven years—from 1867 to 1873.

Q. From what fact do you derive the title which is given you of captain?—A. Because I was commander of a vessel for the protection of the fisheries for sixteen years.

Q. From what period?—A. From 1852 to 1867, inclusive.

Q. What was the mission with which you were intrusted?—A. My mission was to insure peace and order. It was to insure the observance of the fishery laws and keep peace and order on the coast and in the harbors.

Q. You were for that purpose a stipendiary magistrate?—A. Yes; I had also the powers of sheriff and recorder.

Q. It gave you authority over all that part of the province?—A. Yes, the sea-coast of the Province of Quebec.

Q. How far does that coast extend?—A. It extends on the north coast of the Gulf of St. Lawrence as far as Blanc Sablon, the limit be-
est

AWARD OF THE FISHERY COMMISSION.

the Province of Quebec and the territory of Labrador, which is under jurisdiction of Newfoundland.

Q. And on the south coast?—A. To the Restigouche shore, the line is between the Province of Quebec and New Brunswick. It includes the Magdalen Islands and the Island of Anticosti.

Q. Where does the river St. Lawrence end, according to arrangements made, and where does the gulf begin, according to arrangements made?—A. Well, according to the decision made by the Commissioners in view of the Reciprocity Treaty, the estuary of the river St. Lawrence is limited to a line running from Point des Monts on the north shore a little above Cape Chatte; it is about Cape Chatte on the south shore.

Q. Well, what is the extent of the coast?—A. About 1,000 miles. The extent of the coast of the Province of Quebec on which the fisheries of Canada are conducted is about 1,000 miles, including the coast of Anticosti and the Magdalen Islands.

Q. Well, have I seen how far up the river the fisheries were carried on?—A. They were carried on on the north shore as far as St. Nicholas Harbor.

Q. How far above Point des Monts is St. Nicholas Bay?—A. About 23 miles.

Q. On the south shore?—A. As far up as Mantane, about 50 miles westward of Cape Chatte.

Q. What are the fish—the kind of fish considered as sea fish—are caught in the Quebec waters?—A. The food fishes are the herring, mackerel, codfish, and halibut. These are the principal fish.

Q. Well, we will begin with the cod. Is the cod an important part of the fishery?—A. Yes; I should think it is the most important part.

Q. What indications of its importance are there on the coast?—A. There are a great number of establishments all over the coast. I can give you the list.

Q. You might give the names of the parties.—A. I will begin at Cape Chatte and go down as far as Bay Chaleurs, and then take up the north shore. They are as follows: From the south shore of the river St. Lawrence to the head of Baie des Chaleurs: Cap de Chatte, Louis Roy and Theodore LaMontagne; St. Anne des Monts, Hon. LeBoutillier, Theodore LaMontagne, and L. Godereau; Montlouis, Hon. LeBoutillier and Messrs. Fruing & Co.; Grande Vallee, F. Dionne and Messrs. Fruing & Co.; Grand Etang, Messrs. F. & M. L'Esperance; Fox River, L. Blouin, R. Levine, Messrs. Fruing & Co., and Charles LeBoutillier; Griffin Cove, Charles LeBoutillier and Messrs. Fruing & Co.; Cap des Rosiers, Charles LeBoutillier and William Hyman; Grand Greve, Messrs. Fruing & Co. and William Hyman; Gaspé Basin, E. Collas, Charles LeBoutillier, Messrs. Fruing & Co., and William Hyman; Douglastown, Charles Veit and William Lindsay; Point Peter, John Fauvel, J. & E. Collas, Messrs. Jacques Alexandre & Co. and John LeGresley; Barachois, Patrick Jones; Percé, Messrs. Charles Robin & Co., Messrs. Valpy & Co., and Abraham LeBrun; Bonaventure Island, Messrs. LeBoutillier Bros.; L'Anse au Beau Fils, Messrs. Charles Robin & Co.; Cape Cove, Hon. Thomas Savage, James Baker and Messrs. Charles Robin & Co., D. Ahern, and John Baker; Grand River, Messrs. Charles Robin & Co., Thomas Carbery, L. E. Joncas, and John Sirois; Little Pabas, J. C. Tetu, Messrs. Charles Robin & Co., D. Ahern, J. Duguay, and J. O'Connor; Grand Pabas, Hon. Thomas Savage; Newport, Messrs. Charles Robin & Co.; Paspebiac, Messrs. LeBoutillier Bros. and Messrs. Charles Robin & Co. North shore of river

Gulf of St. Lawrence: Moisie, John Halliday and Messrs. J. & E. Collas; Shell Drake, Messrs. J. & E. Collas and L. Touzel; Thunder River, Messrs. LeBoutillier Bros.; Dock, Messrs. Charles Robin & Co.; Magpie, Messrs. Charles Robin & Co.; St. John River, P. Sirois, Messrs. J. & E. Collas, and C. Hamilton; Long Point, C. Hamilton and J. Fauvel; Esquimaux Point, Charles LeBoutillier and Mrs. Ruel; Natashquan, Messrs. Charles Robin & Co.; Salmon Bay, William Whitely and Captain Dodge, Newburyport; Green Island, Messrs. LeBoutillier Bros.; Wood Island, Messrs. LeBoutillier Bros.; Blanc Sablon, Messrs. Fruing & Co. Magdalen Islands: Amherst Island, J. B. F. Painchaud, Damien Devauy, W. O'Gilvie, and Hon. Thomas Savage & Co.; Grindstone Island, J. B. F. Painchaud, Hon. Thomas Savage, and William Leslie & Co.; House Harbor, Messrs. Frederick Arsenault & Co., William Johnson, and R. Delaney; Grosse Isle, Neil McPhail. Anticosti: English Bay, Charles LeBoutillier; Southwest Point, Captain Setter.

Q. All those establishments deal exclusively in cod?—A. Yes; their principal business is codfish. Sometimes herring and mackerel are dealt in, but not much. The principal is codfish.

Q. Do any of those establishments resort to Newfoundland for cod?—A. Not at all; never.

Q. Well, where is all their cod caught?—A. On the shore and from boats.

Q. Is all the cod they deal in caught in Quebec waters?—A. Yes.

Q. With boats?—A. Yes, and they fish from the shore.

Q. What kind of boats? Open boats?—A. Fishing boats manned by two men.

Q. Do they remain overnights on the river fishing?—A. Sometimes, when they go on the Banks. When they don't go on the Banks they never remain overnight.

Q. Name the banks and their extent which exist in these waters.—

A. On the north shore I know of only two Banks of small extent. St. John or Mingan and Natashquan.

Q. St. John and Mingan are the same thing?—A. Yes, the same Bank. Six or seven miles from the shore.

Q. Of what length is it?—A. They lie about six or seven miles from the shore, but they merge into the shoal fisheries. They are not distinct from the shoal fisheries. They are seven or eight miles in length.

Q. What is the length of the Natashquan?—A. It is about ten miles in length. These are all the Banks on the north side.

Q. Now, on the south side?—A. Well, from Matane to Cape Gaspé, in what is called the river St. Lawrence, there are no banks. The fishing is all carried on within three miles, and sometimes within two miles. Then there are two Banks opposite the shore of Gaspé and Bay Chaleur. There is a Bank called Point Saint Peter's Bank, which is very small, ten miles out. It is a very small Bank, three or four miles in extent. Then there is Bank Miscou, or Orphan, a Bank lying off the coast of Miscou; also off the coast of Gaspé or Bay Chaleur, a distance of about twenty miles—fifteen or twenty miles.

Q. Now, taking into account these Banks, could you state how far from the shore, or, rather, could you state what proportion of the whole quantity of cod taken is caught within three miles?—A. Taking into account that only our people that are settled on St. John's River and a place called Long Point visit this Mingan or St. John's Bank, also that a few fishermen from Natashquan go on the Bank, that is of our own fishermen, and taking into account that our fishermen generally go or the Bank only in two or three places, I should think that more than

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fourths—I should say eighty per cent. or up to eighty-five per cent. The codfish taken by Canadian fishermen are taken inside of 100 waters.

Q. Well, what bait is used for codfish?—A. The bait they use is mackerel, lance, herring, mackerel, smelt, squid, clam, trout, and chub.

Q. Where do they generally keep?—A. Near the shore. The mackerel and lance fish are on the shore, rolling on the beach sometimes. Our fishermen catch many of those with dip-nets, without using nets. Herring was caught also near the shore with nets.

Q. Well, can the cod-fishery be carried on advantageously other than with fresh bait?—A. No, no. Salt bait is used sometimes when no other can be had, but it cannot be used profitably.

Q. Is there any means of keeping bait fresh for some time?—A. Some of our large establishments which have ice-houses have to keep the bait they use in a fresh state as long as they could, but have not succeeded well. They may keep from half a day to a day in winter weather, perhaps.

Q. With ice?—A. Yes; because the herring, for instance, may be kept to eat, but not for bait.

Q. Why?—A. Because the bait they use must be fresh enough to stick on the hook. If it is not very fresh it does not stick on and will not catch the codfish, because the codfish will take the bait off the hook and leave the hook.

Q. You say it can only be kept half a day or a day?—A. It may be kept, perhaps, a day or two. It depends upon the weather.

Q. Well, would it be possible for the Americans coming there for cod to bring their bait with them in a fresh state?—A. No, impossible.

Q. They could only bring salt bait, which is not much used, is that all?

Q. Now, have you seen the Americans fish in the waters you have described?—A. Yes, a good many. I have seen a good many and heard of more. I have not taken a list of the vessels, but I have a good knowledge of the numbers.

Q. Combining your own personal knowledge with what you have heard, what number of American vessels would you say used to fish in those waters yearly, before the Reciprocity Treaty and during the treaty?—A. There might be from 200 to 350.

Q. In Canadian waters, you mean?—A. In Canadian waters.

Q. When you mention that number of vessels you don't speak of other vessels that might be on the shores of Prince Edward Island?—A. Certainly not. From what I have heard, I believe that before the Treaty of Reciprocity, and during reciprocity, most of it, our waters were visited by a large number of vessels, averaging from 200 to 300 annually.

Q. That is, the Quebec waters?—A. Yes, only the Quebec waters.

Q. That is exclusive of Prince Edward Island?—A. Yes.

Q. You refer now to those frequenting British waters?—A. Well, the idea I have is from conversation with the American captains, and with people who had conversation with the American captains. It is a matter of public notoriety during the Reciprocity Treaty that the number of American vessels frequenting the gulf would be from 1,000 to 1,200.

Q. Now, coming back to the Quebec waters, the establishments you have mentioned, are they of new creation, or have they been in existence for some time?—A. Many of them existed in the time of the 1850s.

They abandoned them after the conquest of Canada. Some date from the cession of Canada, as those of Messrs. Robin & Co. The establishment of Messrs. Fruing might be seventy years on the coast. Besides these, there have been a good many merchants of Canada who have settled and afterwards abandoned, and others have come in their place. The coast has been fished for more than 200 years. It has been fished ever since the first establishment of the French in the gulf.

Q. Are some of those establishments prosperous?—A. Yes; they seem to be. They carry on a very large business.

Q. Some have made fortunes there?—A. Yes; the house of Robin seems to have amassed a large fortune. The house of Le Boutillier, represented by Charles Le Boutillier, made money, too. Collas seems to do very well, and other houses, too, although they do not all do equally well. Some houses have not done so well, but the business seems profitable in general.

Q. Is there a considerable portion of the Canadian population devoted to the fisheries?—A. Outside of the coast, do you mean?

Q. I mean along the coast.—A. Well, this coast I have spoken of is inhabited by about 30,000 people. On the north coast they do nothing but fish.

Q. There is no land for agriculture?—A. No; their avocation is all fishing. On Anticosti it is the same. They only raise a few potatoes and vegetables. At the Magdalen Islands the land is very good and fit for agriculture. The people raise a good amount of produce beside being fishermen. At Gaspé, nearly all the fishermen have their own farms and cultivate them and raise cattle. They devote about two-thirds of their time to the fisheries, or perhaps three-quarters, and the rest to agriculture.

Q. What means have all those establishments you mentioned of procuring fish? Have they fishing boats of their own, or do they buy the fish?—A. They have fishing boats of their own. On the coast of Gaspé the mode is for the owner to own a place near the shore in a pretty well sheltered place, and to have large buildings, stages, flakes to dry fish on, &c., to get their own boats built by the fishermen during the winter, and then make arrangements with the fishermen to take fish for them, which the merchant buys. The merchants furnish the boat at so much a year, and they pay the fishermen so much for the draught of fish, which is 238 pounds, as the fish comes from under the knife, that is, after being split.

Q. It is weighed after being split?—A. Yes; all the entrails and part of the backbone are taken out, and the head taken off. That diminishes the weight sometimes a quarter and sometimes more.

Q. The fish is weighed fresh from the knife?—A. Yes; then it is the property of the merchant, and he goes through all the operations of curing it.

Q. Is that fish exported to the United States?—A. No, it is not.

Q. Where is it generally exported?—A. It is exported mostly to Brazil, Portugal, Spain, Italy, and the West Indies.

Q. Some, I suppose, is for home consumption?—A. Some is sent to Jersey, a few loads. But the fall fish go to Quebec. We must distinguish between the summer and the fall fish. When the people begin fishing they are engaged to the merchants to fish until the 15th of August. That is what is called the summer fishery, and the produce of that fishery goes to the merchants to pay for advances that the merchants have made to the fishermen, and debts contracted that year or years before. Well, the 15th of August comes, and the account is

settled, and the fisherman is allowed to use the boat of the merchant and go and fish for himself until the season is over. The product of what is sent to Quebec. The fisherman himself sends it to Quebec or sells it on the coast, if he can, for cash to buy his winter provisions. The merchants don't take that fish from them. That is the system on the coast since the beginning, I suppose. I never knew the time that it did not exist.

Q. Has it been attempted to send cod to the United States market?—

A. Well, when the Reciprocity Treaty came into operation, we thought that the American market would be favorable to the Gaspé population, and as for myself, I hoped it would be. I thought we might get a better price there than in the foreign markets. I expected that the trade might become a cash trade, but our hopes have been disappointed. I know that several merchants sent pretty good cargoes to the United States, and could not sell them as well as in the foreign markets. So of late years they have not attempted the same venture. There was an American house in New York started at Bonaventure a few years after Reciprocity. Their bark came in the spring loaded with supplies and goods to trade with the people, and got some fish. They sent their cargoes to the United States mostly. I am not sure whether they sent the whole there. But after a few years they abandoned the trade.

Q. Didn't they have some particular advantage?—A. It was an American establishment.

Q. Was there not a free port there?—A. It was then a free port.

Q. In Gaspé?—A. Yes; they could enter their goods free of duty.

Q. And notwithstanding that advantage, the American merchants could not establish a successful business?—A. Well, I suppose that was the reason it was abandoned; because they did not find that they sold their fish high enough.

Q. Then if the Americans wanted to trade on the coast of Gaspé, they could get places to settle, and they would have the same advantage as our people?—A. Yes; our fishermen would engage with them just as well as with others, provided they gave as high or higher.

Q. Now, coming back to the vessels frequenting these waters, will you state what was considered by an American vessel to be a load, either of codfish or mackerel? These I suppose are about the only shore fisheries that are looked to by the Americans?—A. Yes; the Americans used to take codfish and mackerel.

Q. Herrings?—A. Yes; a great quantity at the Magdalen Islands, with seines.

Q. Is it an advantage to the Americans to be able to land on the Magdalen Islands?—A. Yes; because if they did not land they could not draw their seines. I have seen them myself.

Q. That is the most profitable way of fishing for herring?—A. Yes; you cannot fish herring except with seines. It would not do to take them with nets. You would not take enough to pay. The herring taken there is spring herring.

Q. Is herring fished with a line?—A. Never; it is always with seines or nets. Our people on the coast take them with the nets for bait; but when you want them for trade, you must use a seine, because you have to take a large quantity of them.

Q. In the codfish or mackerel business fishery, what is considered an ordinary load for any vessel?—A. Well, for an ordinary vessel?

Q. What is the general tonnage of the vessels which you have seen there—American vessels?—A. The American codfish vessels range from 60 to 100 or 110 tons, and the mackerel vessels from 60 to 90 tons.

Q. Now, what is considered an average load of codfish?—A. It would be from 350 to 600 quintals.

Q. And of mackerel?—A. A mackerel load would be from 250 to 350 barrels.

Q. Have you seen any Americans fishing cod?—A. Yes; I have certainly.

Q. Have you seen any fishing for halibut?—A. No; because they have fished only lately, since I have left the service. They have fished lately most.

Q. You have spoken of the Banks where cod is taken. If I remember what you said about bait, although that cod is taken out beyond three miles, you stated that the bait had to be taken within three miles?—A. Yes. Sometimes they get bait on the Banks with drift-nets; but at other times the bait is not to be had at all for weeks. Well, when the skipper of a Bank-fishing vessel cannot get bait, he is idle then—he does nothing. If he has a chance of taking bait on shore, even if he has to go 7 or 8 miles for it, he will do so. He can send his boat for bait without lifting his anchor, and he can continue his voyage. They use a great quantity of bait, those Bank fishers.

Q. How is cod fished by our people near the coast?—A. All with lines—principally with hand-lines. They start in the morning generally, and come back in the evening. The fish is at once thrown on the stage, and the splitters are there. The fish is split at once to prevent heating. That is the main reason of the superiority of their fish. Then it is salted, for three days at the most. Then washed and exposed to the sun on the flakes in a very well ventilated place, generally on a hill, if it is possible to have it. Then there are people to attend to the drying there. It has to be attended to constantly. If the weather is foggy, or the rain comes, or it is thick, it must be turned with the skin up, and made into bundles. When the sun shines again, and there is wind, it must be exposed on the flakes with the flesh up. It is a very difficult thing to make good fish.

Q. Well, that kind of codfishing could not be advantageously prosecuted unless it could be coupled with the advantage of going inshore and drying?—A. I mean to say that the bankers on Miscon Bank or St. John Banks, if they had not a right to go ashore for bait, must be idle at times. I know I have heard repeatedly from our fishermen, and also from the bankers that it happens sometimes that bait is not to be found on the Banks. The bait they use is herring, because on the Banks they cannot take launce or caplin. They take herring or mackerel, but the bait they principally use is herring. Sometimes there is none on the banks for several weeks. Then if they have no chance to get them from their own sources, they must interrupt their labors.

Q. Now, we have spoken of the quantity of cod taken within and outside of three miles. How is it with mackerel? Where are they generally taken?—A. With regard to mackerel, I may state that on the shores of the island of Anticosti it is within three miles. From Mount Joly to St. Nicholas, on the north shore, it is within three miles. On the south shore from Matanne to Gaspé it is within three miles. From Gaspé to Bay Chaleur it is taken sometimes outside of three miles, and at other times within, because the Bank fisheries merge in the shore fisheries.

Q. Then if you were called upon to give the proportion of the whole quantity of mackerel taken inside and outside, what would you say, put down as taken within three miles, and what proportion as taken

outside?—A. I should say that at least 75 per cent. are taken inside of three miles, positively.

Q. I think I have asked you about what constitutes a trip for a vessel there in cod or in mackerel?—A. Yes.

Q. And you have answered?—A. Yes.

Q. I suppose sometimes some of these vessels have begun outside of the Quebec waters and finished there?—A. Yes.

Q. And sometimes they begin in the Quebec waters and go to Prince Edward Island, or somewhere else, to complete their trip?—A. I have said that—yes.

Q. What is the bait used for halibut?—A. Herring and codfish. Codfish is as good as any. It is firmer than herring, and holds well on the hook. They put a large bait on, so that the small codfish cannot take the bait, because the object of the halibut fishers is to take nothing but halibut. When they take codfish they have to throw it overboard.

Q. And as codfish, as well as herring, are taken inshore, they have come inshore?—A. Yes; they come in close to the shore for halibut.

Q. Is herring a fish that is found in large quantities in our waters?—A. Yes; in terrible quantities.

Q. Have you seen some of the hauls?—A. I have seen a good many hauls, some small ones and some large ones. I have seen 600 barrels of Labrador herring hauled in one haul, and 3,000 Magdalen Island herring in one haul, with seines. They run from 3,000 to 2,000 and 800, but often less.

Q. Does the herring require any operation for market?—O, yes; it must be split, salted, and pickled.

Q. Is that the case around Magdalen Islands?—A. Well, around Magdalen Islands it is sometimes taken in bulk. They are salted as they come. As they take them they are thrown into the hold of the vessel, and the salt thrown in with them, until the vessel is full. That is what we call herring in bulk. Then, after arriving in the States they are split and pickled for the West India market or smoked.

Q. But is it sometimes cured on the spot? This cannot be advantageously done, except on land, I suppose?—A. Well, they cure on board their vessels sometimes. Sometimes they come on shore to repair their barrels, as there is not always room enough on board; and they give their fish on shore sometimes—that is, open and clean them.

Q. What has been the effect of the Americans coming on the coast so they always carry on their operation with due respect for the laws? When they have come in large numbers have you heard of depredation or that they have committed?—A. Some years they have been pretty free here on the coast. I have heard of houses being broken into and people insulted. I have cited many such cases in my reports. I did not see any myself, because, of course, when I was present they were quiet, but our people have suffered very much from them at different times. I know that at Seven Islands the Hudson Bay post was nearly burnt by them, with the furs and provisions; I have this information from their agent at the place. Then again, their vessels used to come and anchor along the shore, close to the shore; sometimes among the moorings, and sometimes inside of the moorings. The mooring is the place where our fishermen tie their nets to get bait. The net is tied to the mooring at one end and the other end is allowed to drift all night. In the morning about four or five o'clock the fisherman goes to his net. If he has bait he can get codfish. If not, he cannot get any codfish, however plentiful it may be. Now, sometimes 30 or 40 of those vessels have come in and anchored inside of the moorings. Sometimes they have

anchored in such a way as to prevent them from setting their nets. Sometimes they have come inside, and the nets have been set outside of them, when a gale has sprung up, and the Americans getting under way have torn the nets up as they went out. I do not say willfully, but that was the consequence.

Q. Well, taking the condition of the people inhabiting the shores you have described, has the Treaty of Reciprocity or the Treaty of Washington been any advantage to these?—A. No advantage at all. On the contrary, a disadvantage, because the American free market is no use to our merchants or fishermen; and the American inshore fisheries are of no use to us. I have never heard of a fisherman from the coast I have described going to the States, and I know they will never go there to fish. And the competition of the American fishermen on the cod-fishing grounds, as well as near the coast where the mackerel is taken, is very disastrous, because it stands to reason, whenever people are taking mackerel, if a fleet of these vessels comes around, they will attract the mackerel from them, and lessen the chance of our people taking fish.

Q. Are you aware whether the American vessels have made more than one trip in a season in the summer?—A. Often they used to make two and sometimes three trips.

Q. Can they do that without transshipping somewhere? Have they time to go home three times and come back?—A. I don't think they could go home three times. I have heard of some going twice. During the Reciprocity Treaty their custom was to transship at Prince Edward Island and the Gut of Canso. That was the custom, because there are several schooners belonging to one firm. One schooner would take all the fish, and go home and sell them, leaving the others to fish.

By Mr. Dana :

Q. You have given us an account of your occupations at many times. How has it been this summer? What have your occupations been?—A. I have not been occupied with the fisheries.

Q. Why not?—A. Because I am not in the service any more. I am neither in the service, nor am I a merchant or a fisherman.

Q. I asked you what were your occupations this summer?—A. It has been going through an election.

Q. Well, that is in your capacity as a politician, but not as a doctor, sea captain, or sheriff. Did it take you all summer to get through your election?—A. Yes; it took me all summer.

Q. Did you travel around?—A. I left in May and went back in July.

Q. Your political business, then, took you from May to July?—A. Yes.

Q. What part of the coast did you visit in a political capacity?—A. From Cape Chatte to Newport and the Magdalen Islands. I visited the county of Gaspé, of which I am giving you the limits.

Q. That is from Cape Chatte around by Gaspé?—A. As far as Newport.

Q. Which side of the Bay Chaleur is that?—A. It is north side of the Bay Chaleur.

Q. That is not a very extensive round. What is the whole length of the sea-coast?—A. Two hundred and forty miles.

Q. Well, at the same time you were doing political duty, did you unite with that any inquiries into this business?—A. No; not until the election was over. During the election I only listened to what the people

ould tell me as we were speaking. I never inquired particularly about the fisheries.

Q. Did you take any memorandum of what they said?—A. Not then.

Q. No evidence?—A. I took evidence afterwards.

Q. I mean at that time?—A. No.

Q. Now your political campaign ended in July?—A. Yes.

Q. And when did you enter upon other duties?—A. On the 28th July.

Q. What were those duties?—A. I was asked by the Federal Government to go around the coast of the Province of Quebec and take evidence and marshal witnesses to be examined before the Commission. This occupied about three weeks.

Q. What places did you visit in that service?—A. From Cape Chatte—the principal places from Cape Chatte to Paspébiac.

Q. Where is that?—A. On the Bay Chaleurs. Then I visited from the Seven Islands to Esquimaux Point. Then I went to places on Anticosti and on the Magdalen Island.

Q. Well, did you take evidence yourself?—A. I did.

Q. How many?—A. Ninety-seven affidavits. About that number.

Q. Of persons from all these regions?—A. Yes, as they came.

Q. Well, how did you find the people? How did you discover the witnesses?—A. I sometimes went for the person that I thought best acquainted with the fisheries; sometimes fish merchants.

Q. Whose evidence would do most good?—A. Well, I do not think I rejected any man.

Q. Nobody that came to you and asked to be permitted to make an affidavit was rejected?—A. No.

Q. Did any such cases occur?—A. No. Some people were asked to give their evidence, and said they had not time or that they would not do it.

Q. But such as consented you took?—A. All that consented I used to ask them myself or send one of the agents that were with me.

Q. Who were with you?—A. There was one Doctor Wakeham who lived in Gaspé 12 years, and there was young Mr. Galt.

Q. Then when you had completed your service that would bring us to the middle of August; what then?—A. I came here.

Q. So have you been here ever since attending to the business of this Commission?—A. Well, I have no business but to prepare myself to give my testimony. I have no official business with the government.

Q. Has it taken you all this time to prepare to give your testimony?—A. No, but I have nothing to do here.

Q. Well, to look after the witnesses?—A. No, not here. The moment I came here I gave the evidence to one of the agents and remained here because I thought I would be asked to come here and give my testimony. I have nothing to do with the government.

Q. But you have seen the witnesses that have come on here?—A. Yes.

Q. And talked with them?—A. O, yes; we lived in the same place, and I have seen them pretty often.

Q. Well, you have a pretty strong opinion that this Washington Treaty is a bad thing?—A. I had an opinion from the beginning.

Q. Before it was made, perhaps?—A. Yes.

Q. You have not kept your opinion to yourself, have you? In your various capacities of doctor of medicine, sheriff, and politician, you must have let it out?—A. I did certainly let out that the Treaty of Wash-

ington was injurious to the fishermen of the Province of Quebec, because they gave a great deal and received nothing in exchange.

Q. You still had a hope, I suppose, that after giving a good deal away and receiving nothing, it would be made up by a large award, hadn't you?—A. Well, I hope we will receive what is due to us.

Q. And that it will turn out to be a large sum?—A. Yes.

Q. Apart from the breaking of nets, insulting of women, destroying of property, which are moral delinquencies of the Americans, what are the chief objections to their coming to your waters to fish?—A. Well, they lessen the chances of our people taking fish within the three miles.

Q. Why don't your people build vessels, as the Americans do, and go down and follow up the mackerel?—A. Well, I never heard of a fisherman that wanted to go with a schooner to fish, if he had fish at his own door. He would rather fish with his boat than take a vessel and go five hundred or a thousand miles from his place. I have heard the Americans tell me that if they had fish to occupy their fishermen on their coasts, they would not come here.

Q. Have not the Americans always had fishing-vessels and gone to the Grand Banks; perhaps you have read Burke's speech on the Wealth of the Sea?—A. Yes, I am aware of that, but the fisheries of the gulf and coast have always tempted the Americans, because they are inshore fisheries.

Q. They always go to the Grand Banks and the Georges?—A. Yes.

Q. Now you say the reason the people gave up vessel-fishing for boats is that they have fish at their own doors. That cannot be true of all of them. Are there not a good many of your people, inhabitants of the Dominion, that have gone into American vessels?—A. From Nova Scotia and New Brunswick, but very few from the Province of Quebec. I am speaking particularly of the Province of Quebec, because I am not acquainted with the other provinces except in a general way.

Q. You know in a general way, don't you, that without restricting ourselves to the lines of the provinces a very large number are engaged in deep-sea fishing or fishing in vessels?—A. Yes.

Q. And they are willing to serve under a foreign flag?—A. Sometimes they do. I know that a good many people from the Gut of Canso are sometimes engaged on board American vessels.

Q. A good many from New Brunswick and a good many from Nova Scotia; is it not so? A. Well, yes; but from the Province of Quebec I know of but few that have gone on board of American vessels.

Q. You think those that engage in boat-fishing are those that have the fish at their own doors?—A. Yes; I do not believe that people that have fish at their own door, that they can take with a boat, would equip vessels in a costly manner and go one hundred or one thousand miles to get fish, when they can get fish at their own doors with boats, or with vessels that are less costly. The fish so caught can be split and cured without the fish being salt-burnt, and consequently they make a superior kind of fish. I have my opinion on these facts.

Q. Then all these reasons, you think, account for the fact that the people of Quebec do not build vessels?—A. Yes; I am speaking of the coast from which the Americans are excluded, but at Magdalen Islands the people build schooners and go to the north shore.

Q. Why do they go away?—A. It is a custom they have had for some number of years. They find they can take fish on our north shore in a shorter time than on their own.

Q. Still it does tempt your people?—A. It tempts them on the Magdalen Islands.

Q. There is fish enough on the north shore to tempt those people from the Magdalen Islands, their vessels not being adapted to the Banks?—A. If they fished around the Magdalen Islands they would have to fish like the bankers. They go to the north shore in order to take a voyage in less time than on their own shore.

Q. These expeditions of yours, in the way of politics, and in getting testimony for the Commission, have given you a good opportunity to see what vessels there are off the coast?—A. Yes.

Q. This year?—A. Yes.

Q. Well, the Americans have been very scarce?—A. Yes. I have seen a few myself in the Bay Chaleur. One came to anchor alongside of us in the Bay Chaleur, having hauled in 30 barrels of mackerel close to the bank at Paspebiac. And we heard of another taking 80 barrels at Nouvelle, ten miles eastward of Paspebiac; that was with the seines; they hauled them on the beach.

Q. Did you see many more?—A. Not many more. We saw a few outside. But it was rather early for them to come. It was then about the 10th of August, I think. Sometimes they come earlier, and sometimes later.

Q. But you said, when I asked you, that they were very scarce?—A. That is true.

Q. I will ask you this question while I am about it. Within what period of time can the caplin be taken?—A. It varies very much. I have myself seen the caplin rolling for one month on the coast of Gaspé. You could take them by thousands of barrels.

Q. Do they come at the same time all along the coast, or can they be allowed up from one place to another?—A. They don't come in all at the same time. They come later on the north shore than on the south shore, I think.

Q. So that you can follow them up?—A. You mean caplin?

Q. Do they appear simultaneously on the whole coast, or do they come at one point and then at another?—A. On the south shore they appear pretty much about the same time. They may vary a few days; but on the north shore they are a little later, as far as I can remember.

Q. They do not visit every part alike?—A. Sometimes they are abundant at one place and not so abundant at another; and where they are plentiful one year they may not be seen at all the next. Our fishermen have a way of sending a boat to get caplin and take it to the fishing boats.

Q. If I understand you correctly, I understood you to say that your people who caught cod in boats often cleaned them in the boats?—A. No; they do not clean them in the boats.

Q. Neither mackerel nor cod?—A. No; they clean them on shore always.

Q. It was stated by one of the counsel here, putting a question to you, that the Americans had the right to fish anywhere upon the Magdalen Islands. You say you have seen them also land there for the purpose of mending their nets?—A. Yes, I have seen them myself.

Q. Did you ever prohibit them?—A. No.

Q. Did you ever know an instance in which they were prohibited?—A. No. At Allright Island, the entry island, the Americans have settled there. They have their nets, barrels, salt, boats, and everything they set their nets outside, and take their fish on shore and cure them there.

Q. That is notorious; it is not a secret?—A. There is no secret about it; I was told by the man who boards them. They are not prohibited, but the people complain a good deal. They do not like it, but they cannot help themselves.

Q. In your capacity as commissioner of the peace, to preserve the peace?—A. I was stipendiary magistrate.

Q. You never thought it expedient or proper or within your power to prevent them from doing so?—A. No. When I was stipendiary magistrate and commander of the vessel, the only thing I saw was the Americans seiuing herring in Pleasant Bay and hauling the seine from the shore. But there was no complaint, that I knew of, and I was not instructed to prevent them from doing that. I was always told, on the contrary, to behave with the greatest courtesy to the Americans.

Q. You say that your people don't send cod to the United States?—A. I say that they tried it.

Q. Under the Reciprocity Treaty?—A. Yes; they tried it.

Q. And was the experiment tried by persons competent to try it? Was it attempted by competent merchants, men with capital?—A. Yes; the best fish-merchants on the coast of Gaspé and the Gulf of St. Lawrence, Messrs. Le Boutilier Brothers, who have the second establishment on our coast; also, Robin & Co., the largest in the gulf. They told me themselves that they had a good assorted cargo and sent it to the United States, but it didn't pay.

Q. An assorted cargo?—A. Yes; they sent green codfish and large and small dried fish, also some mackerel and herring.

Q. They had to cease the venture because it didn't pay?—A. Yes; they told me that.

Q. Did they prepare the fish specially for that market, do you know; or what kind of dried fish did they send?—A. The best hard dried fish.

Q. They did not take in the States, I suppose?—A. No.

Q. Was it not also found that the States were well supplied with all the fish they wanted?—A. I suppose that might be the reason. The market for that kind of fish, the hard dried, is not good in the States, because their fish was prepared especially for warm markets. It will keep, while the American fish will not keep.

Q. They found they could do better with that kind of fish in the foreign markets than in the United States?—A. Yes; if we only half dried our fish we could, no doubt, sell it in the American market, but by continuing the operation for about a fortnight to three weeks more, we get \$2 or \$3 more per quintal for the fish.

Q. It pays better to send it abroad?—A. Yes.

Q. And you have a very good opportunity of preparing it for the foreign market?—A. Yes.

Q. You state that the Americans opened and cleaned their fish often on shore?—A. No; I did not say so for the coast of Gaspé, but for the Magdalen Islands.

Q. You have made a statement here which, while it does not come within the jurisdiction of the Commission, is a painful one, respecting the conduct of American crews on shore?—A. Yes.

Q. It reminds us of what we have been reading in the newspapers about the Cossacks and Turks?—A. Yes.

Q. Would you like to leave the impression that the conduct of the Americans was of that description?—A. I have stated in my reports what I knew to be facts obtained from reliable people; but I stated also that such was not the general conduct of Americans.

Q. Not the universal conduct?—A. That it was not the general con-

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not of American crews, and in general American captains were deemed respectable men. That is what I stated in my reports.

Q. That such was not the general conduct of American crews is not the general conduct; but often when the crews of perhaps ten vessels come ashore, they make great depredations, and our people are very much afraid of them. A man told me, not long ago, that he is brother-in-law, who was also his neighbor, had to guard their harbor about seven days, because the Americans happened to be seven in that cove, and they feared the men would attempt to break in upon us. They were afraid for the women and children.

Q. When did that occur?—A. A good many years ago—ten or twelve years.

Q. When were you told it?—A. This summer.

Q. Where?—A. At Great Valley, on the River Saint Lawrence.

Q. Who told you so?—A. The man himself who had to guard the harbor.

Q. What is his name?—A. I forget his name.

Q. Did you make any record of it?—A. Certainly.

Q. When did you say it happened?—A. He told me the year it happened; it must have been twelve or fifteen years ago.

Q. Had you heard of that event before?—A. Not of that particular case.

Q. For what purpose did you make a record of it? The time when such proceedings could be taken had, under the statute of limitations, expired, except for murder or certain matters against the Crown?—A. I thought it was very useful to prove that, when American fishermen would take fish near our shores, our people are subjected to insult and depredations by Americans. I thought it useful to show that to the commission. It was not to show that it was the usual practice of Americans, but to show how exposed we are, because our population is spread along the coast, and that five or six crews of vessels gathering in a cove will go ashore and frighten the whole people. Sometimes they are sober and sometimes they are in liquor.

Q. Now, that would apply to all vessels that come and fish, whether American or British?—A. We see but few British vessels there.

Q. Would not that apply to that class of persons engaged fishing in large vessels; it is not peculiarly American?—A. No.

Q. Therefore it is an objection to all fishing conducted in large vessels?—A. No.

Q. Why not?—A. It might be the same with some other crews, but we don't know.

Q. You have never tried?—A. No; and we would not like to try.

Q. You thought it valuable that this fact should be preserved in the records. There are several other similar facts also.

Q. Have you preserved them?—A. They are in the affidavits.

Q. Respecting these insults?—A. Yes, in several places.

Q. Would you give me the names of any other persons?—A. I cannot give you the names now; if I look at the affidavits I can do so.

Q. Do you know whether the affidavits in which these matters have been read?—A. I do not know.

Q. These affidavits, I believe, were sworn before you?—A. Yes.

Q. Have you any list of the 96 affidavits taken by you?—A. No.

Q. Have you not handed in a list?—A. I handed in to the government the affidavits themselves.

Q. And there was not a list with the affidavits?—A. A gentleman

who accompanied me handed in the affidavits and list, if a list was given.

Q. Did you keep any list?—A. No.

Q. As far as you know, did the other gentlemen keep a list?—A. He kept a journal and entered all the names.

Q. Who did?—A. Dr. Wakeman. He is now at Gaspé, and he took his journal with him. He was going to give evidence before the Commission, but could not wait.

Q. Do you know whether the affidavit of this one man, whose name you don't remember, contained anything more than the statement concerning the outrage?—A. It contains different matters relative to the fisheries.

Q. How many more cases of outrage did you examine into?—A. We did not examine witnesses particularly as to that, but what they knew about the fisheries in regard to the Treaty of Washington; and when they made affidavits on oath, they made these statements regarding American fishermen committing depredations; we never asked them particularly.

Q. How many more of these cases are there?—A. I could not tell the number; there are several.

Q. How many in the 96 affidavits which you took?—A. I dare say there might be at least ten who testified to depredations committed on the coast.

Q. You put what they stated on the subject of depredations, even though committed twelve or thirteen years ago, into the affidavits?—A. Yes.

Q. Did you make an inquiry as a magistrate, stipendiary, or otherwise into the truth of those statements?—A. The people who gave their affidavits under oath as to what they knew of the fisheries in regard to the Treaty of Washington came voluntarily. I said to them, "Do you know anything about depredations committed by Americans?" And they said in such a year such a thing happened, either to me or my neighbors, or in some other cove.

Q. Did you inquire as to how far these statements were true?—A. Yes, when we could do so; but it was difficult because of the shortness of the time. We did not want to prosecute the offenders; we could not do so.

Q. You could not prosecute them because the events happened so long ago?—A. One-half of the time we did not know who committed depredations.

Q. Did the people not know the names of the vessels to which the crews belonged?—A. Sometimes they did.

Q. Did you obtain the names of the vessels?—A. Not from those people this summer.

Q. But you did obtain the names of persons on whom, it is said, depredations have been committed?—A. Yes.

Q. Have you made reports on the depredations to the department of police?—A. Certainly not.

Q. You thought it quite sufficient to allow them to go in the scale of this Commission?—A. I wanted to know whether our fishermen, living on the coast, were interfered with or injured in their fishing by American fishermen, who are allowed by the treaty to participate in the same fishery; and I found it was amply proved.

Q. Did it never occur to you that this matter had nothing to do with the subject before the Commission?—A. It did not; I thought it had something to do with the question.

Q. Do you think so now?—A. I think so yet, and shall do so until they show me I am wrong.

Q. Would it not take a good deal to satisfy you that it had not something to do with the subject before the Commission?—A. I would require some good reasons.

Q. If it produced any effect, would it not be that of irritating the people and causing them to be prejudiced against the Americans?—A. We never did anything to prejudice the minds of the people, and we have suffered in silence for many years.

Q. In that same way?—A. Yes. We have suffered from the depredations of Americans, and have suffered in silence. The people might have made complaints to the government; many complaints were made to me, for I was then commander of the government vessel.

Q. Did you try to arrest the offenders?—A. It was difficult to run after vessels outside.

Q. Did you ever catch any vessel or man that had committed depredations?—A. I did not.

Q. Did you ever examine into any case, except to take depositions for this hearing on this question of the value of fisheries?—A. I examined officially into some cases, but we could not find the perpetrators; they had gone. I believe in some cases I knew the names of the vessels.

Q. Did you follow up those cases in which you knew the names of vessels?—A. I sometimes took the depositions of the people in expectation of again finding the vessels in British waters, but I did not find them.

Q. What have you done with those depositions?—A. I suppose they are now lost.

Q. Have you looked after them?—A. No.

Q. Why did you not get them and utilize them in this inquiry?—A. We did not think of prosecuting the offenders except at the time.

Q. Did it ever occur to you that you might look up these affidavits and make use of them before the Commission?—A. Never.

Q. Why would they not be as good to prove outrages as the affidavits taken during your recent trip?—A. They might prove them as well, but we never thought of them and never looked for them.

Q. You say American vessels come in to your shores, that your people lay out their nets at night, and that the Americans have torn up and injured those moored nets?—A. Yes.

Q. Have you ever made inquiry into any of these cases of injury and insult?—A. Certainly.

Q. Have you ever arrested any party?—A. Sometimes; yes. You must remember I had 1,000 miles of coast to protect, and many times I came to places where outrages had been committed after they had been committed. Sometimes the people knew the names of the vessels. Sometimes they lodged a complaint, and sometimes they did not think it worth while. When they made a deposition I took the name of the vessel, with the expectation of perhaps finding the vessel a second time during the season in British waters. As to depredations, I know myself as to the fact, because when I have entered coves the people have come out, boarded my vessel, and told me that one, two, or three weeks before American vessels had come to anchor, moored inside, and, when afterwards getting under way, they would sometimes tear the nets and sometimes carry the nets away altogether.

Q. Did the people whose affidavits you obtained complain very much of injury done to their nets by Americans during the last twelve or fourteen years?—A. They did not give that as a complaint. It is only

to show that during the Reciprocity Treaty not only were their fish taken by foreigners, but they were subjected to insults and depredations.

Q. Among them you include injury done to nets?—A. I mean personal insults, breaking into houses and insults to women.

Q. Among the injuries you include injuries to nets?—A. Yes.

Q. I understood you to say that you do not suppose the injury done to the nets was intentionally done?—A. I do not believe it was in most cases; but in several cases it was intentional. Perhaps it was more done for a lark than anything else. I took an affidavit in which a man said an American vessel getting under way took his net, with his anchor. The fisherman, the owner of the net caught by the anchor, was in his boat as the net was fastened to the stern of the boat because he was drifting. The American got under way and took away the net with the anchor. It was blowing a good breeze, the vessel was under sail, and the boat was dragged stern foremost six or eight miles, and, of course, the boat was in danger of being capsized and the man of losing his life, but the people on board of the vessel were laughing all the time.

Q. Did it happen at night?—A. I don't think so.

Q. Why don't you think it was at night?—A. Because the man told me that under oath.

Q. Did he tell you it was not at night?—A. I don't remember.

Q. Do you think it was not done at night?—A. I am not sure; I don't believe it was.

Q. Why do you not believe so?—A. I don't remember.

Q. Then when you don't remember, you always assume the worst against the Americans, do you?—A. The man gave his affidavit in that way.

Q. Where is the affidavit?—A. In the hands of the government.

Q. What is the man's name?—A. I don't remember. You will find the man's name if you look at the affidavit; he is from Great Valley.

Q. You don't know whether he deposed that it occurred during the day or at night?—A. I don't remember.

Q. But you assume it was by day?—A. They don't drift on dark nights. I assume it was daylight.

Q. You say there was a strong gale of wind blowing?—A. A very good breeze blowing—a strong breeze.

Q. You made up your mind that what was done was all intentional?—A. I never made up my mind that they hooked the net intentionally. I am only repeating what the deponent said under oath in his affidavit.

Q. Your opinion is that if he did not hook the net intentionally yet he drifted intentionally?—A. Yes; that is what the people said.

Q. Have you got any more cases of insults or injuries; can you give us any names?—A. There are some others in the affidavits. I can't remember their names.

Q. Do you remember the places from which there are affidavits regarding outrages?—A. There is one from a man from Mont Louis.

Q. Were injuries done to that man's vessel?—A. He explained in his affidavit the injuries he suffered.

Q. Were his nets injured?—A. No.

Q. How many cases are mentioned in the affidavits you took of injury having been done by American vessels to the nets of your people?—A. I don't remember; I believe in ten affidavits they speak of depredations, injuries done on shore and to nets.

Q. How many relate to injuries done to nets?—A. I don't remember. These people were speaking of what was done on a certain coast; p

redations might have been committed at another place, and the people at the former place would not know of them.

Q. Injuries to nets in other places?—A. Yes.

Q. Did you ever hear of any injury being done to a fisherman, a British subject, by another British subject?—A. I have heard that some of the crews of vessels from Canso had landed on the shore and had insulted and frightened the people.

Q. Did you take affidavits in regard to those cases?—A. I took depositions when those cases happened, when I was stipendiary magistrate.

Q. This year you were getting up testimony with two gentlemen and you heard of those cases; did you make any memoranda or take any evidence as to those outrages?—A. Not one of the deponents that I saw ever offered to make a deposition against a British vessel or subject.

Q. But you heard there were such cases?—A. I heard there were when I was commander of the government vessel; but I suppose the cases I have heard of were not known of by the persons who made the depositions.

Q. You were there this summer; were you only after cases of injury done by Americans?—A. We were not after the subject of injuries in particular.

By Mr. Foster:

Q. Did you keep a list of American vessels you saw during your late trip this summer?—A. No.

Q. Have you enumerated all you saw this summer?—A. No.

Q. I wish you would state to the Commission all the American vessels you saw, and how many fish they were catching.—A. I did not see many.

Q. I want to know how many American vessels you saw during the trip?—A. I saw but very few American vessels.

Q. Begin where you saw one vessel, and give the Commission, in detail, an account of the American vessels which were enjoying the privilege of fishing in and about British waters, and which you saw during your three week's trip.—A. We saw them in Bay Chaleurs.

Q. You have mentioned those already. Were those all you saw?—A. Yes, on the coast of Gaspé.

Q. Did you not see any in the places where you took affidavits?—A. No.

Q. Were there none at the Magdalen Islands?—A. Yes, there were several.

Q. What were they doing?—A. Fishing for mackerel.

Q. How many do you say were at Magdalen Islands?—A. I might have seen about 25 mackereling and sailing about.

Q. Did you see any at Banks Bradley and Orphan?—A. We did not pass that way. We had not much chance to see vessels, because in the daytime we were anchored near the shore, and at night we went from one place to another, and there was a great deal of fog during the trip. We were only three days at the Magdalen Islands, and during a day and a half there was fog; but as we went into Pleasant Bay we saw 25 outside.

Q. Do you know how many vessels the fleet numbered there?—A. We heard there were 70.

Q. Where did you hear that?—A. At the Magdalen Islands.

Q. Did you not hear about the number of vessels at other points?—A. We did not hear.

Q. Is it not the fact that there were not any except those you have referred to?—A. We were not taking the names of vessels.

Q. Have you reason to suppose there were any American vessels anywhere in the vicinity of the places you went to, except such as you have already mentioned?—A. At the Magdalen Islands I saw only one side of the islands, and I was told there were a good many on the other side.

Q. Was the reason you gave to Mr. Dana for there being so few American vessels, that it was not late enough in the season?—A. Yes; on the coast of Gaspé.

Q. Did you go through the Strait of Canso?—A. No; we went from Gaspé to the Magdalen Islands, and remained there three days.

Q. Did you not come down into this province?—A. To Picton.

Q. At what time do American vessels usually arrive at Gaspé?—A. In August.

Q. At what time in August?—A. Sometimes at the beginning, sometimes in the middle; sometimes in July. It depends on the quantity of fish they find on the way.

Q. Don't you know that the usual time for the arrival of American fishing-vessels at the grounds where they intend to fish on these coasts is about the 4th of July?—A. It might be at the Magdalen Islands and Prince Edward Island, but they come late to Gaspé.

Q. How late?—A. About the middle of August and the end of August, and sometimes the beginning of August. When commanding the government vessel I never saw a fleet there till the beginning or end of August; sometimes I saw a few vessels there in the beginning.

Q. Have you not kept yourself familiar with the Gaspé coast, so as to know that no considerable number of American vessels have fished for mackerel there?—A. There have not been many for some years.

By Mr. Doutre:

Q. As to the opinions that you expressed about the Washington Treaty, were they acquired opinions, or did you express similar opinions formerly, at other times?—A. I expressed opinions unfavorable to the Treaty of Washington, because I knew the bad effect of the Reciprocity Treaty.

Q. What occasion had you to express such opinions?—A. Because under the Reciprocity Treaty we gave up the fisheries of the Gulf of St. Lawrence, our fishermen getting nothing in return except the competition of American fishermen in their own waters.

Q. Had you any public occasion to express such opinions?—A. I expressed them in Parliament.

Q. In regard to the voyage made by you on the coast of Gaspé, what remuneration have you received?—A. None at all.

Q. What remuneration do you expect to receive?—A. None.

Q. Have you received even your traveling expenses?—A. No.

Q. Have you done this from public spirit?—A. Yes.

Q. I believe you were not round Prince Edward Island and Cape Breton and do not know what number of vessels were fishing there?—A. I do.

By Sir Alexander Galt:

Q. You have spoken of caplin coming into the shore at certain seasons; what do they come in for?—A. To spawn. They come in to spawn in immense numbers. You see the spawn in great quantity on the sand and beach, as you see lantz. Caplin continued on the coast of Gaspé for more than a month during each of two years.

By Mr. Foster:

Q. Do you regard yourself as particularly well informed as a natural-

ist?—A. I was a naturalist by occasion, not by profession. I have described some varieties of the fish and birds of the gulf.

No. 50.

JAMES HICKSON, government fishing overseer for the county of Gloucester, residing at Bathurst, Gloucester, N. B., called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. As fishery overseer your jurisdiction extends from the county line at Belledune River down to Tracadie, I believe?—Answer. Yes.

Q. Have you resided in Bathurst all your life?—A. I was born on the coast, twenty miles below Bathurst, where I lived during the summer months until twenty-five years ago. I have resided in Bathurst since.

Q. During all your life you have had an acquaintance with the fishery, have you not?—A. I know the coast-fishery pretty well.

Q. Is there a large fishing business prosecuted on the south shore of Chaleurs Bay?—A. There is a very large business in cod-fishing, and has been for a number of years; and the mackerel fishing and salmon fishing are increasing yearly.

Q. Are there Banks along the south shore of Bay Chaleurs?—A. There are.

Q. About how far are the Banks from land?—A. The cod-banks are from one mile to two miles and a half from the shore along the coast.

Q. What is the average depth of water on the Banks?—A. It averages about seven fathoms.

Q. Between the shores and these Banks there is much deeper water?—A. Yes.

Q. And beyond the Banks the water is still deeper?—A. Yes.

Q. Is the water abruptly deep on each side of the Banks?—A. Shoaling off as it would on any sand or gravel bank.

Q. What fish feed on those Banks?—A. Codfish, chiefly.

Q. Are the cod chiefly taken on those Banks in Chaleurs Bay?—A. Yes.

Q. Are you aware why they resort to those Banks?—A. They resort there for food.

Q. There is more food to be taken on those Banks?—A. There is more food on the Banks than at other places.

Q. Do the Banks extend toward Restigouche?—A. I don't know that they extend above the mouth of Bathurst Basin. I am acquainted with several of the Banks, and have fished at several between that point and Caraquette.

Q. How is the cod-fishery prosecuted in that bay?—A. It is hand-fishing with hook and line by the inhabitants.

Q. It is boat fishing?—A. Yes.

Q. About how many boats are employed?—A. I took an account for a number of seasons, and it appears in the fisheries report. I rendered that account to the department as a correct account of the number of boats on the south side of the bay.

Q. The number is entered at 1,128 boats?—A. That will be correct.

Q. How many men are employed?—A. The number is also given in the report. Some of the boats have two and some three men each.

Q. What do they do with the cod they catch?—A. Some few are cured by the fishermen themselves. Generally the fish are brought to

shore and sold green to the merchants, who cure them and ship them to Europe.

Q. Does any part of the cured cod go to the United States?—A. I have had no report of any being shipped to the United States, and I am not aware of any.

Q. Is a large quantity of mackerel taken on your shores?—A. There is a large quantity taken some years, and other years the quantity is not so large.

Q. In those years when a less quantity of mackerel is taken, to what do you attribute it?—A. To stormy weather and want of bait.

Q. Does the stormy weather affect the chance of getting bait?—A. Yes.

Q. What bait do you generally use for mackerel?—A. Our fishermen use spring herring, lantz, and pogies when they can get them.

Q. Does caplin come in to the shore?—A. In large quantities.

Q. Do you mean when you say that when there is a want of bait those years and you do not catch as many fish, it is due to the weather being too stormy?—A. It is because it is too stormy to get the bait.

Q. What time does the bait season commence with you?—A. The spring herring strike in as soon as the ice is out—on 1st May. The caplin comes about 1st June, smelt about 15th June, and lantz in July and August.

Q. How do your fishermen take the bait?—A. They take smelt in the mouths of rivers with scoop-nets, and caplin with scoop-nets along the shore.

Q. Do they keep a large supply of fresh bait on hand or do they trust to a daily supply?—A. They have to trust to a daily supply.

Q. Then when it is very stormy and the fishermen cannot get bait, they consequently cannot get mackerel?—A. Yes.

Q. Are you acquainted with the north side of the bay?—A. Not sufficiently to speak regarding it.

Q. Take the south side of the bay; is the mackerel fishery an inshore or outshore fishery?—A. Three-fourths of all mackerel taken on the south side of the bay are taken inside of three miles from a coast line.

Q. How far inside as a rule?—A. From all my experience and observation I think the greatest quantity of mackerel is taken about two miles from the shore.

Q. Do mackerel feed much on the cod-banks you speak of?—Q. No; they feed more on lantz, caplin, and smelt, inside the Banks.

Q. That would be within one mile of the shore?—A. A great quantity is taken within one mile; but the bulk of the mackerel is taken between one mile and two miles from the shore all along the coast.

Q. From Belledune River, which is the dividing line between Restigouche and Gloucester counties, all the way down on the south side and around Miscou, and down as far as Tracadie, you have jurisdiction, and know the coast?—A. I can speak with more certainty from Belledune Point to Point Miscou than I can from the eastern point of Miscou to Tracadie.

Q. Is not the codfish also, to a great extent, an inshore fish?—A. In the early part of the season the cod are taken within one mile of the shore; at some seasons they move farther out, but they are generally taken along the Banks I have spoken of as their feeding-grounds.

Q. Is the annual catch of cod there very large?—A. It is a large catch.

Q. Is it increasing or decreasing every year?—A. Last season it was not so good as it had been some seasons before.

Q. Why?—A. They attribute it to the weather being very stormy and want of bait. This season it is better than it has been for a number of years; it is gradually increasing.

Q. I suppose it is increasing because more people are engaged in the business?—A. Not on our coast. I do not think there are any more fishermen there than there were ten years ago. The business is conducted by firms which carry on their business by rule. I am now speaking of the Jersey houses.

Q. Do the Jersey houses have fishermen go up as far as Bathurst?—A. No; they are out more towards the open gulf, Caraquette, Shippegan, and round there.

Q. Are you aware how many vessels are employed on the south side of Bay Chaleurs?—A. It is also in the report.

Q. The number stated is 17 vessels?—A. I think that is the number.

Q. Do you remember how many American mackerelers were fishing on the south side of Bay Chaleurs during the years of the Reciprocity Treaty?—A. I have seen them sailing up and down the coast fishing, but I could not, from personal observation, give you the number, for I did not board them and take their names. From reliable information, I can state there were 300 in Little Shippegan at one time. One man said he counted 306, and another man said he counted 300 at a different time.

Q. Would those numbers coincide with your own opinion on the subject?—A. Yes. I have seen sufficient American vessels sailing up and down the bay to believe such was correct. I counted 30 within a few miles' space fishing and drifting off.

Q. How close in were they fishing?—A. At that time they were within one mile and a half and two miles from the shore. They start early in the day inshore with a southwest wind, throw out their bait, and drift off as they fish.

Q. What was their practice in coming inshore? It was not very safe inshore?—A. With a southwest wind they are perfectly safe. They would run in, throw out the bait, heave to on the main-sail and jib, and drift off with the wind to a distance of perhaps five or six miles out.

Q. The vessels would take the fish out with them?—A. Yes.

Q. Do mackerel frequent the body of the bay or the shores?—A. They frequent the shores for feeding purposes.

Q. Then to get them out toward the middle of the bay you must entice them out?—A. Yes, the vessels entice them out.

Q. Could any person having only the right to fish in the body of the bay and away from the shores, possibly succeed in fishing?—A. Not to make it pay.

Q. You do not think it could be successfully carried on?—A. It would not pay in Bay Chaleurs.

Q. What would you say to the statement that the inshore fisheries for mackerel along that coast are practically useless and worth nothing at all, and that the whole profitable fishing is outside?—A. I should say the man who made it either knows nothing of the fisheries or else he was telling a willful falsehood.

Q. What do you do with the mackerel you catch?—A. They are shipped chiefly to the United States, but some go to Quebec.

Q. Are they sent fresh?—A. They are now shipping them fresh in ice by the Intercolonial Railroad. It is getting to be a very large and growing trade. There will be very little mackerel pickled this year their way, for they are shipping nearly all fresh.

Q. Then for the purpose of shipping fish into the United States, the Treaty of Washington will be of very little value to your part of the country, for before the treaty fresh fish went into the United States free?—A. It will not be the slightest benefit in that respect.

Q. You don't send any vessels from Bay Chaleurs to fish in American waters, I suppose?—A. I never heard of any of our vessels going there.

Q. Did you ever hear of a Canadian vessel going there to fish?—A. I never heard of one.

Q. In regard to the catches of American vessels, do you know a vessel called the John Wesley?—A. I remember her well; I have seen her frequently.

Q. Can you fix the years?—A. I cannot; but she came year after year to our shores. I have seen her about 20 years ago, and I think the last time I saw her was 6 or 7 years ago.

Q. Did she come year after year to the same place to fish?—A. She always fished along the same coast, from Bathurst Harbor down to Grindstone Point, and on to Caraquette and back again down that coast. She got two cargoes a year generally. She was a small vessel, 60 or 70 tons.

Q. She got all she could carry?—A. Yes; and she generally went home early. She was counted one of the lucky ones, and she was well acquainted along the shore. The captain and crew used to call along there and obtain fresh meat, butter, &c. They were well known and they behaved well. They fished generally right along the shore wherever they wished to do so, no one interfered with them.

Q. Did that vessel come each year to catch fish inshore?—A. So far as I know, she always caught her full cargoes along the coast each and every year. I have frequently seen her fishing within one and a half miles of the shore, year after year. Several other American vessels also did so, but I cannot give their names. I well recollect the vessel I particularly mention. I know the captain, and I have conversed with him frequently. I do not remember his name.

Q. Did she fish inside the limits after the abolition of the Reciprocity Treaty?—A. I cannot say that she did. I do not remember of her having done so.

Q. Besides the fisheries of which you have spoken, have you not a herring fishery there?—A. Yes, we have a spring and fall herring fishery.

Q. Where is it carried on?—A. The spring fishery is prosecuted all along the coast. The herring strike along the coast in almost all directions. The fall fishery is chiefly pursued on Caraquette and Shippegan herring banks, along the coast.

Q. Was this a very important fishery at one time?—A. Yes, and a very good fishery. Large quantities of a very good quality of herring were taken there.

Q. Are these Banks within $1\frac{1}{2}$ miles of the shore?—A. The Caraquette Bank is situated, I think, about 2 or $2\frac{1}{2}$ miles off Caraquette Island, and Point Mizenette; one of them, a small bank, is not more than one mile from Point Mizenette, and the other one is situated down towards Miscon. The latter is the Shippegan Bank. It lays probably one mile off a line down from Point Mizenette to the northern point of Miscon.

Q. Those were two important and prolific fisheries?—A. Yes.

Q. Are they so now?—A. No. I went there two years ago with reference to some disputes which had arisen among schooners and fishing boats; and I was then informed by all parties that those fisheries

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been nearly destroyed, owing to the throwing of gurry overboard the vessels. The fisheries were very poor that season and last season also, owing to that reason. They used generally to catch the fish in 5 fathoms of water, but the year I was there they had had to move and fish for herring in about 9 fathoms of water, as fish were only taken in any quantity in that depth of water. Last season they took them there in 10 and 11 fathoms of water, having been obliged to go still farther out.

Q. How far would this be from the land?—A. Perhaps half a mile off the regular Bank where the herring used to be caught.

Q. Did the disputes to which you refer arise between the boat American vessels?—A. Word was sent me that they were American vessels, but I did not find any of them there. They told me the Americans left before I arrived. I found some Nova Scotian and Edward Island vessels; these also, the fishermen said, threw overboard.

Q. And it is admitted on all hands that this has destroyed the fisheries?—A. Yes; it has done so to a great extent on these Banks.

Q. During the last ten years the Dominion Government has given considerable trouble and expense, I believe, in reference to the protection of the fisheries in rivers entering into the Gulf and Bay of St. Lawrence?—A. Yes.

Q. Has this protection of the fisheries increased the number of fish in those rivers?—A. Yes; and also along the coast.

Q. Has it improved the sea fisheries?—A. Certainly.

Q. Why?—A. Because it has increased the food of the fish. Food has thus become more numerous along the coast, and the fish go of course to the places where their food is most abundant.

Q. In short, you say that the protection of the river fisheries had the effect of increasing the value of the bay fisheries?—A. I have no hesitation in saying so positively.

Q. I suppose that you have paid attention to this matter, and that it is part of your business to do so?—A. Yes.

Q. This has increased the number of salmon; and are small salmon preyed upon by sea fishes?—A. Yes; as much as any other fish they are small and unable to protect themselves. Our small salmon are destroyed as quickly as smelt.

Q. The bait of these fish has been increased in consequence of the protection of the river fisheries?—A. Yes; this is acknowledged by every one who is thoroughly acquainted with the subject.

Q. And the fish in the rivers are increasing rapidly from year to year?—A. Yes; they are increasing very rapidly.

Q. Do you know anything about the system of trawl-fishing?—A. I never saw them trawling, but I have seen the trawls when rigged and prepared for being set.

Q. Have you heard complaints regarding the effect of trawl-fishing?—A. Yes; our Caraquette and Shippegan boatmen, who fish with line, grumble terribly about it, and say that by trawling all the young and parent fish—the breeding fish—are taken; thus the boat-fishermen are deprived of the opportunity of taking many fish, and they cannot secure their share of the large fish at all.

Q. What do they say about purse seining?—A. That it is destructive concerning all kinds of fish, big and small.

Q. Did an instance of this occur the other day before you came here?—A. Yes; an American schooner, said to hail from Gloucester, came within about three miles below, and to the east of, the mouth of the

bor, and about a mile off shore, and surrounded a very large quantity of mackerel. They drew the purse, and while so doing the seine caught on a fluke of an anchor, which tore a great part of the bottom out of the seine; hence a great portion of the mackerel escaped, but nevertheless the seiners obtained a very good haul. They also brought up a very large quantity of lobsters in the seine. I tried hard to obtain the name of this vessel, but was unable to do so.

Q. The purse seine takes in all kinds of fish, big and small?—A. Yes, it is a small meshed seine, and everything that it encircles, the food of the fish, the fish, and everything else, is taken.

Q. It scrapes the bottom clean?—A. Yes. They have now these seines so leaded and weighted that they will sink to the bottom, whatever be the depth of the water. As soon as they draw the seine around the mackerel the latter descend. They first raise the mackerel in school by feeding them, and then they shoot out the boats, and, encircling the school with the seine, draw the purse. The mackerel always descend in order to get under the seine, and therefore the latter must reach the bottom almost immediately after being cast.

Q. Do the seiners thus kill many fish useless to them?—A. O, dear yes. This mode of seining is very destructive to all kinds of fisheries—very destructive indeed.

Q. Do American vessels come to our coast to secure bait for fishing purposes?—A. Yes. They must get bait from the shore fishers.

Q. Do they fish for it or buy it, or do they fish for and buy it?—A. They fish for it when they can, and if they can buy it they do so.

Q. Have you squid along your shores?—A. Yes; in large quantities at some seasons of the year. They strike inshore some time about the last of August and the first of September. They have not arrived yet. Large quantities were there last season, and this is generally the case every season.

Q. Squid are a favorite bait for cod?—A. They are the best cod-bait for trawling-lines that can be obtained. They are considered to be the best bait for cod.

Q. Do the Americans come inshore for them?—A. Yes.

Q. And you have large quantities of that bait on your coast?—A. Yes; also all along the shore from Belledune Point to South Tracadie. I have seen places where twenty barrels of them could be taken with a scoop-net; you could wade out and just scoop them in.

Q. Do you think that the Americans could successfully prosecute the cod-fishing, either in the Gulf of St. Lawrence or in the Bay of Chaleur unless they had the privilege of coming inshore for bait?—A. No; I do not think that they could do so otherwise. I do not consider it reasonable to think that they could carry on this fishery without that privilege. I know that our fishermen have to come in, if they have not bait enough with half a load, and sometimes with less than that; as soon as the bait is done they have to come inshore to secure bait.

Q. You said that there was not a very good catch of fish—say mackerel, for instance—last year, and you attributed this to the stormy weather?—A. Yes; all the fishermen of whom I inquired also thought so.

Q. Did you see the fish schooling last year?—A. Yes.

Q. And can you thus tell whether they are plentiful or not?—A. Yes.

Q. Did you see these fish schooling as usual last year?—A. Yes.

Q. But the weather was too stormy to permit of their being taken?—A. Yes; these fish will not rise in stormy weather; they want a south-west wind to induce them to do so. A wind off land is the best wind for

the taking of mackerel; when the water is perfectly calm they school better and rise better to the bait.

Q. I understand that, in fact, all the mackerel now taken in your neighborhood are shipped at once to the United States in the fresh state?—A. Yes; the chief portion of them is so shipped. This is done wherever they can be brought in the fresh state to a railway.

Q. If the market for fresh fish is not very good at any time, do they freeze and keep them?—A. Yes; for winter use.

Q. And ship them in winter?—A. Yes. I think there are five freezers in Bathurst.

Q. What are these freezers like?—A. A building in which the fish are to be frozen is prepared, and they generate the frost by mixing salt and ice, and putting this between galvanized iron plates; and as the frost is worn off from the ice by the decomposition of the salt, it is introduced into the fish through these galvanized sheet-iron plates.

Q. And the fish are thus frozen in summer as hard as it is possible to freeze them in winter?—A. Yes; a forty-pound salmon can be frozen hard in twenty-four hours.

Q. And how long can they keep in that state?—A. For 12 months if you so choose.

Q. And if the market for these fish is not favorable in the summer, they can be frozen in the fresh state and sent in the frozen state in winter to the United States?—A. Yes.

Q. Practically this Washington Treaty is of no earthly use to the fishermen in your neighborhood?—A. It is not, as far as I am aware.

By Mr. Foster :

Q. Do you remember from what port the John Wesley comes?—A. No; nor the captain's name, though I have seen him frequently.

Q. How many years have passed since she visited your shores?—A. I do not think that she has been there for seven years.

Q. She does not appear to have availed herself of the benefits of the Washington Treaty?—A. She may have come since to our coast; she may be afloat yet, for all I know.

Q. How many American mackerel fishing vessels have you seen this year?—A. I could not say.

Q. How many have you heard of as being there?—A. None were in when I was down the coast.

Q. When was that?—A. About the 20th of July.

Q. Have you heard of any being there since?—A. Yes.

Q. How many?—A. Some have passed up the bay, but I could not tell how many, because they may pass up and come down again.

Q. So the same vessel may be counted twice?—A. Yes, for aught I know.

Q. One is pretty sure to count them twice?—A. Yes. I only know of three or four vessels that have been seen coming. Of course I did not make inquiries on the subject, but the seiner I mentioned, and two or three others, were on the coast.

Q. How many American vessels did you see along the coast last year?—A. I saw very few.

Q. Did you see half a dozen?—A. There might have been more; but I only saw a few, and I did not keep any correct count of them.

Q. How many did you see in 1875?—A. I could not tell.

Q. Their number was small?—A. Yes, compared with what it used to be.

Q. How was it in 1874?—A. I think that their number was small that year as compared with former years.

Q. What about 1873?—A. The number was then something the same.

Q. When was the last year during which a considerable number of American fishing-vessels were seen on the south side of the Bay of Chaleurs?—A. Probably about 1870. I think that there was a large American fleet in that year.

Q. But not since?—A. I would not say so positively, for a number of these vessels have been there since. A great many were there, however, about 1870.

Q. I understood you to say that the reason why the cod-fishery had not been good this year was owing to stormy weather and the want of bait?—A. I then referred to last season.

Q. Do you mean that there was no bait which the fishermen could use, or that there was actually no bait?—A. They could not catch bait; it was too stormy to permit of it.

Q. Do you attribute the failure of mackerel bait to the same reason?—A. Yes.

Q. If your boatmen who fish for mackerel had been supplied with pogies from the States, could they not have caught fish?—A. Probably they could have done so, but they do not generally procure this bait. There is no occasion to do so unless the weather is very stormy, and this is seldom the case.

Q. There being usually a good supply of bait on your coast, that bait is not worth the expense that would be entailed in bringing it there?—A. Yes.

Q. How many miles of coast are there in your district?—A. I could hardly say.

Q. How many harbors are in your district?—A. We have, for vessels, Bathurst, Caraquette, Big Shippegan, Little Shippegan, and Tracadie Harbors—five.

Q. And in these five harbors you have seventeen fishing-vessels?—A. Yes. They are chiefly owned in Caraquette and Shippegan Harbors.

Q. What is the tonnage of these vessels?—A. I suppose they would average from thirty-five to forty tons.

Q. How do they dispose of the mackerel which they catch and which are sent to the States?—A. A good many of the boat-fishers ship to the States themselves in what is called the Quarry schooner. Grindstones are shipped from a quarry to the United States, and for a number of years a good many of the fishermen have sent their fish to the States in the schooner with the grindstones. Mr. Low, or whoever takes them, sells them and makes the returns. Others sell their fish to speculators who come there for the purpose from the States.

Q. Are firms established for this purpose there?—A. No; not for the purchase of mackerel.

Q. And those who do not send their fish direct sell them to the speculators?—A. Yes.

Q. Formerly when American vessels were there did any sell their fish to these vessels or is this done now?—A. I never knew of it being done. These vessels generally caught their own cargoes. This year the fishermen are shipping nearly all the fish in the fresh state packed in ice.

Q. In search of what food do the mackerel go to the Banks?—A. Lantz. The mackerel come inshore for them. The lantz play along the sand beach, and the mackerel follow them and the caplin.

Q. Are the lantz a kind of sand-ell?—A. Yes.

- Q. How long is it?—A. Six or seven inches.
- Q. Is it found a good ways out from the shore?—A. I have not known them to be found more than a mile or two from the shore.
- Q. How is it with the shrimp or that little red fish?—A. It stays mostly on the bottom. The shrimp is a small shell-fish.
- Q. I refer to the shrimp or brit which the mackerel consume?—A. They lay generally along the shore. They are never found, to my knowledge, in very deep water.
- Q. Your experience has been chiefly with regard to the fishery within and 3 miles of the shore?—A. I am pretty well acquainted with it beyond that distance.
- Q. Would you be surprised to hear that the brit are found 25 and 50 miles off shore?—A. This may probably be the case. I am not much acquainted with the habits of the brit or shrimp, but I am perfectly acquainted with the habits of the lantz.
- Q. And this bait confines itself to the shore?—A. Yes; it half buries itself in the sand. It is a sand fish.
- Q. Are there any mackerel-spawning grounds along the south side of Bay of Chaleurs?—A. I cannot tell that. I do not know.
- Q. Your experience has not been sufficient to enable you to say when, where, and how the mackerel spawn?—A. No.
- Q. Yet you have had a good deal of observation with regard to the habits of mackerel?—A. Yes.
- Q. Is not this one of the recondite things which very few naturalists or close observation are able to decide?—A. I do not think that I ever heard anything authentic on the subject as to where and how they spawn.
- Q. You would not give much weight to a common fisherman's statement concerning a particular locality as being a mackerel-spawning ground?—A. Such a statement might be correct for aught I know.
- Q. You would not pin your faith to it as a matter of science? Is it a very difficult thing to tell?—A. Such a fisherman may have had more opportunities for observation on this point than I have had; and I would not dispute the statement of a man on oath or his word when my own experience had not taught me to think differently.
- Q. Caplin, you say, appear on the shore about the 1st of June?—A. Yes.
- Q. How long on the average do they stay there?—A. Perhaps for a fortnight or three weeks; they strike in along the coast in different parts.
- Q. It would be a surprising long stay if they remained in one place for six weeks?—A. It has not been my experience that they remain so long as that in one place. Their average stay varies from two or three weeks, in my experience.
- Q. Do they come to all the points they frequent in your bay at once?—A. No. They first strike the coast near Belledune, and they go down along it.
- Q. How far south are caplin found?—A. I do not know.
- Q. It is an Arctic fish?—A. I do not know whether it is or not.
- Q. It is not found in the States?—A. They are very numerous along our coast in the spring—too much so, that they scoop them up and use them in large quantities for manure.
- Q. They are not good for eating unless cooked immediately after being caught, I believe?—A. I have known some of them to be dried; but I do not know what kind of bait they make when dried. They are a very good food-fish while they are perfectly fresh.

Q. Are they salted or pickled or cured in any way, to be used as bait?—A. I never knew of their being cured; they are too tender for that.

Q. How long will they keep in the fresh state?—A. They can be dried and used long afterward.

Q. How long?—A. All the season, I understand, if they are dried properly. They are thrown into a pickle, in which they remain three or four hours, and then they are spread out in the sun and dried.

Q. Do any people come to your place to buy caplin?—A. I have heard of this being done, but I do not personally know that it is the case.

Q. If they were sold in large quantities, would they not become valuable to your fishermen?—A. They can be cured and sold when dried.

Q. If you had a market in which to dispose of the caplin you use for manure, would they not assume a new value to you?—A. Yes; if the people do not stop destroying them thus, it will ruin our fisheries.

Q. Are herring very abundant on your coast in the spring?—A. Yes.

Q. They are sold at a very low price, are they not?—A. They are not worth anything much, except for bait. The spring herring is not a good food-fish; it is not marketable.

Q. Are they not cured in the spring?—A. O, yes; they are salted down in quantities, chiefly for domestic use, and they are very cheap.

Q. How is it with the autumn-herring fishery?—A. These herring are a good marketable fish.

Q. What used to be done with the autumn herring?—A. They were generally shipped to Quebec and sold for home consumption.

Q. In the pickled state?—A. Yes.

Q. Are herring smoked in your neighborhood?—A. That class of herring is not generally smoked, but there is a small herring which is sometimes smoked. Some autumn herring, however, are smoked.

Q. Autumn herring were never sent largely to the States?—A. I cannot say that they were. I think that they were chiefly sent to Canada.

Q. And your codfish have never been largely sent to the States?—A. No.

Q. Have your salmon been largely sent there?—A. Yes.

Q. If your American market for salmon was cut off, would it at all affect your salmon business?—A. O, yes; certainly.

Q. That would be a serious thing for your people?—A. We want a market, of course, for our salmon, and that would effect them considerably, I suppose, unless they secured another market for these fish.

Q. The same thing would hold true regarding your business in mackerel?—A. Yes.

Q. So it is of some consequence to you to have a market for your mackerel and salmon in the United States?—A. O, certainly it is.

Q. Fresh fish are very rapidly taking the place of salt mackerel in the market, and the importance of salt mackerel and other cured fish is diminishing more and more every year. Is not this the case?—A. That is my experience in my district.

Q. And owing to the extension of the railroad system and the use of ice-cars, pickled, salt, and smoked fish will steadily become of less consequence?—A. Certainly.

Q. How long can mackerel be kept in ice so as to be sold fresh?—A. I do not know. Fresh mackerel are now sent away to market in tons, not frozen, but packed in ice. They are regularly so sent to New York, and sold there in good condition.

Q. How many days does it take to send them to New York?—A. Four, I think. They do not even take the trouble to freeze them, but

pack them in ground ice; the fish are packed solid, and are brought in fresh condition to market.

Q. Would the fish then be as good to eat as if caught in the morning?—A. I would not think so, but still this is done regularly now all the season.

Q. Mackerel, I believe, peculiarly requires to be eaten fresh?—A. Yes; the moment they are taken out of the water the fish are placed in ice-houses along shore, or in ice kept in the boats, and they are kept in ice until they reach the market.

By Hon. Mr. Kellogg:

Q. Are the fish not opened first?—A. They are drawn, but not opened, and the entrails are taken out. This is done when they are sent any distance, but not for short distances.

By Mr. Foster:

Q. Has not your personal observation of the fishery been principally confined to the boat-fishery?—A. O, yes; to boat and schooner fishing.

Q. And the boats fish generally within three miles of land?—A. O, no; our class of boats can go out nearly as far as any schooner. They can be taken out to the Banks, or to sea. The boat-fishermen, however, generally come home Saturday nights and go out again Monday mornings.

By Mr. Thomson:

Q. If the market for our fresh fish in the States was closed, another market for them would have to be secured?—A. Certainly.

Q. You are aware that neither salmon nor fresh mackerel are admitted free of duty into the United States under the provisions of the Washington Treaty?—A. Yes; it is patent that if a market for any article is closed, an injury is sustained in this respect.

Q. And an injury would also be also sustained by a large number of people who created that market?—A. Certainly; the closing of the market in the United States to us, as far as our fresh fish are concerned, would injure Americans as much as our fishermen.

Q. The consumers there would be as much inconvenienced as the fishermen here?—A. Decidedly that would be the case.

Q. Did you ever search for mackerel-spawning grounds in the bay?—A. No, never.

Q. If a common fisherman has practical experience of a fact of which he is witness with his own eyes every day, I presume that it would require a good deal of argument to drive that out of his mind?—A. I think so. If I saw mackerel spawning in a certain place, I would come to the conclusion that they spawned there, and no man could shake my views on that point.

Q. If a scientific gentleman came here and assured you from the most wonderful scientific reasons that these fish could not possibly spawn here, that would be the case?—A. Certainly; I would not believe him rather than my own eyes.

Q. Your experience respecting the brit or shrimp is that it is not a deep-water fish?—A. What I call the shrimp is a small, crooked little fish, which is generally found along shore. I do not know it by the name of brit; it has many little legs, curls itself up, and crawls on its side. It is a great food for cod and a great many other fish.

Q. You describe the ordinary shrimp.—A. That is what I call the shrimp.

By Mr. Davies :

Q. This shrimp is found in the sand?—A. Yes.

Q. It does not float in deep water?—A. No; it goes along the sand.

By Mr. Thomson :

Q. Do mackerel feed on this shrimp?—A. Yes.

Q. That is undoubtedly an inshore fish?—A. Yes.

Q. The brit are very small fish with large eyes?—A. I do not know it by that name. I never heard this name before. I refer to a small crooked fish.

Q. Shrimp are found in large numbers on your coasts?—A. Yes.

Q. Are they used for food at all by your people?—A. No.

Q. You say that the fishing-boats stay out for a week sometimes?—A. Yes; if they have bait and fair weather.

Q. These are cod-fishers?—A. Yes, and also mackerel fishers. The boats are built for the purpose, and they can go anywhere in mid-bay.

Q. Do they take out ice with them?—A. Yes, and they draw the fish at once. They draw the entrails out by the gills. They do not cut the fish open.

Q. Were not the 300 American schooners of which you spoke pretty large?—A. Some were large and some were small. None of those that resort to our coast are very large.

Q. What do they average?—A. Something between 60 and 80 tons, I think. They are generally of pretty broad beam and flat bottomed. I have frequently been on board of them.

Q. Do you mean to say that there was not a large fleet of American vessels in the bay in 1873 or 1874?—A. I do not know whether that was the case or not, I do not remember of having seen them; that is all. I do not recollect that I had any opportunity for seeing them during those years. A large fleet may have been in for aught I know.

Q. It was not your business to see whether they were there or not?—A. No; and I was not down the coast during the mackerel-fishing season. I did not take notice of them. They may have been there in large numbers.

Q. Nepisquit Bay is a bay along the shore of the Bay of Chaleurs?—A. Yes; it extends from the headland, Belledune Point, to Mizenette Point.

Q. Did you ever hear of caplin being dried and then used for bait?—A. No; but I have known them to be dried for other purposes.

Q. And they are eaten when dried as a kind of relish?—A. Yes.

Q. You never heard of fishermen fishing with dried caplin?—A. No.

No. 51.

ENOS GARDNER, overseer of fisheries for the county of Yarmouth, and clerk of the peace for the county of Tusket, Yarmouth County, N. S., was called on behalf of the Government of Her Britannic Majesty, sworn, and examined.

Question. What fishery is prosecuted along the shore of the Yarmouth County coast?—Answer. The cod, mackerel, and pollack fisheries. Some halibut are also taken there. All the mackerel taken near our coast are caught inshore.

Q. How far from the shore?—A. Quite close to it; from half a mile to 1½ miles from it. This has always been the case, to my knowledge. I do not know of any mackerel being taken beyond that distance from the shore. I never heard of it being done.

Q. Are the cod, halibut, and hake, &c., as well, taken inshore to any extent?—A. They are caught near the shore in what we call the shore fishery. They are taken from 5 to 25 miles offshore.

Q. Are any cod or halibut taken as near as from one to two miles of the coast?—A. I think so, in some parts, but not to any great extent.

Q. What bait is used by the cod-fishers?—A. I think that they use a great deal of mackerel.

Q. Then they have to come inshore for such bait?—A. Yes.

Q. Do they also use herring for bait?—A. They use herring for that purpose.

Q. Are these herring taken inshore?—A. Yes.

Q. Near where the mackerel are caught?—A. Yes. The herring-nets are set where the mackerel are taken.

Q. Do the caplin visit your coast?—A. No; I know nothing about them.

Q. Do squid do so?—A. No.

Q. You only have herring and mackerel for bait?—A. Yes.

Q. Do American vessels come in largely along that portion of the coast for bait?—A. Yes.

Q. Do they fish for it or purchase it?—A. They chiefly purchase it. I do not think that they fish for it at all there.

Q. Can the cod-fishery be carried on without fresh bait?—A. The fishermen tell me not.

Q. Do you think that the Americans could successfully carry on the cod-fishery within from 5 to 25 miles of your coast, if they had not the privilege of coming inshore for bait?—A. No; I do not think that they could.

Q. Are the mackerel taken in boats in the inshore fishery?—A. 92 small schooners fish there; very few of them go to the Banks. The majority of them are engaged in the shore fishery.

Q. These vessels belong to your county alone?—A. Yes.

Q. What is their average tonnage?—A. From about 60 to 70 tons.

Q. What is the number of vessels engaged in this fishery?—A. It is over 400.

Q. How many men are employed on these schooners?—A. Between 1,200 and 1,300.

Q. And on the boats?—A. About 700 or 800.

Q. Have you noticed the fact that the mackerel are extremely plentiful along the coast this year?—A. There will be a very large catch of mackerel by Yarmouth County fishermen this year. It will amount to about 12,000 barrels, I should think.

Q. Are these fish now caught?—A. Yes. I suppose that the catch is about over. I refer to spring mackerel.

Q. Do you not have a fall catch?—A. Very few are caught in the fall.

Q. And about 12,000 barrels have been caught.—A. Yes.

Q. How long have you been fishery overseer?—A. I acted with my predecessor, and I commenced to perform this duty in 1870.

Q. Have the fisheries of all kinds since 1870 increased enormously on your coast?—A. Yes. The fisheries have almost trebled in value. This has been the case since 1869; since the fishery act came into force.

Q. This act was passed in order to protect the fisheries?—A. Yes; the river fisheries.

Q. Has this had the effect of improving the coast fisheries?—A. It has had a great deal to do with that improvement, in my judgment. The young fish were very largely destroyed in the rivers before the

fishery act came into force, and since then they have increased very largely; and thus afforded bait for the sea fish.

Q. The river fisheries have besides been greatly improved?—A. Yes.

Q. Do you know anything about the fisheries in the gulf?—A. No.

Q. Is there a large fishery in St. Mary's Bay?—A. Only a small portion of this bay is in my district. A great deal of fishing is done at Green Cove. The county line runs by this point.

Q. Do the Americans fish there much?—A. Not to my knowledge, but I have heard of their being there.

Q. All the mackerel taken off your coast are caught within a mile of the shore?—A. They are all taken close to the shore—from half a mile to one and a half miles from it.

By Mr. Dana:

Q. Do your people confine themselves almost entirely to boat-fishing?—A. Ninety-two schooners are owned in the county.

Q. Where do they fish?—A. Most of them fish along the shore. Some go to the Banks; but not a great many during the last few years.

Q. Are these vessels decked?—A. O, yes. Most of them are engaged in the cod fishery, but some few fish for mackerel.

Q. They fish anywhere inside or outside of the limits?—A. Yes, and on the Banks.

Q. You do not undertake to say where the cod fishery is mainly carried on?—A. O, no.

Q. Do Americans come to fish for mackerel much on your coasts?—A. No; but they come there to buy mackerel for bait. I do not think that they come there to fish.

Q. Then your coast has not suffered from their presence in the way of seining or the throwing overboard of offal or anything of that sort?—A. I do not think that they fish much on our shore; but they come in very frequently to buy bait and carry on the deep-sea fisheries.

No. 52.

TUESDAY, *September 4.*

The Conference met.

WILLIAM ROSS, hon. collector of customs, Halifax, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You reside in Halifax?—Answer. Yes.

Q. You are a custom-house officer?—A. I am collector of customs for this port.

Q. You were for a long period in the legislature of Nova Scotia?—A. Eight years.

Q. Previous to confederation?—A. Yes.

Q. And afterward you were a member of the House of Commons for the Dominion of Canada?—A. Yes, from confederation to the fall of 1874.

Q. You were also a member of the privy council of Canada?—A. I was.

Q. Minister of militia?—A. Yes.

Q. Some years ago you were engaged in business?—A. Yes.

Q. At what place?—A. At St. Ann's.

Q. That is on the north side of Cape Breton?—A. Yes.

Q. Between Cape North and Cow Bay?—A. Yes. My knowledge of

the fisheries is pretty much confined to between Scatarie and Cape North; that is, my personal knowledge.

Q. What kind of business did you do at St. Ann's?—A. A general country business and supplying fishermen, hiring crews for fishing.

Q. For whom?—A. For myself.

Q. Did you prosecute the fishery by vessels, schooners?—A. Slightly—not a great deal.

Q. By boats, and, to some extent, in vessels?—A. Yes.

Q. From what year? State the period.—A. From 1850 to 1863.

Q. Did you deal at all with the American fishermen?—A. Sometimes.

Q. Were they in the habit of entering your harbor?—A. Yes.

Q. To what extent?—A. I scarcely understand you.

Q. To what extent did they enter your harbor?—A. They would come in there, quite a large number of them. They would buy country produce—butter, potatoes, beef, mutton.

Q. You supplied them then?—A. Yes, whatever they wanted.

Q. At what period of the year did they frequent that part of the island?—A. Principally in September and October. More during September and October than any other time.

Q. Were you in the habit of purchasing and exporting fish?—A. Yes, I bought fish all the time.

Q. For many years?—A. During the time mentioned.

Q. Did you purchase and export mackerel?—A. I used to send most mackerel here—to the Halifax market.

Q. You purchased and caught mackerel on the coast of Cape Breton?—A. Yes, I purchased all the time, and had my men engaged in catching fish for me.

Q. The whole of that period?—A. Yes.

Q. During the whole of that period, did the American mackerel vessels enter your port—were they in the habit of frequenting the coast?—A. Yes, certainly. Some years, of course, more than others.

Q. Now, with regard to the time the mackerel came in—when they first appeared in that part of the island?—A. The mackerel came from the southward, and made their appearance generally not earlier than about the 25th of May, and followed on till about the 15th or 20th of June.

Q. Going north?—A. Yes; all those were all poor—large, poor mackerel, full of spawn, I think on their way to the spawning ground.

Q. What period afterwards would you find them; what time would you commence to fish?—A. As soon as the mackerel made their appearance. We would commence in May. We would prepare to fish from the 25th of May, but the best fishing of the season would be from the 5th to the 20th of June.

Q. That would be the best of the season?—A. Yes, for spring mackerel.

Q. Then, how late would the mackerel remain on your shores?—A. Well, we would keep our crews engaged for mackerel as late as, say, the 10th of November.

Q. Then you would keep your crews engaged from May 15th to the 10th of November?—A. Yes.

Q. And, more or less, would you fish during the whole of that period?—A. From the 20th of June till about the middle of July would be slack, very slack. We might catch a few, but few.

Q. But you would still have crews engaged?—A. O, yes. After that the mackerel would trim the shore, and we would look for mackerel all the time from that out.

Q. From the 15th of June they would trim the shore until they left the coast?—A. They went home in the fall. They went to their winter quarters, wherever that is.

Q. Now, at what period did the American fishermen first appear there; at what period were they in the habit of first appearing on your coast?—

A. The American fishermen always used to come around there. They came from the north to our coast. They would come from the north side of the island. They would come around Cape North and follow the fish.

Q. About what period did they appear?—A. From August to September or October. There were more in September and October.

Q. Now, to what extent did they appear there; in what number at St. Ann's? From what you learned from themselves, or from what you saw, can you give us an idea what numbers came to that part of the island?—A. They did not all come to St. Ann's.

Q. Well, I don't mean St. Ann's, I mean that side of the island. What numbers?—A. I could not say exactly; perhaps from sixty to one hundred vessels.

Q. Well, have you any idea whether they fished inshore or offshore?—A. Well, more inshore. They fished both inshore and offshore, I think.

Q. Where did you catch your fish?—A. All inshore.

Q. Within what distance of the land?—A. Mostly within three-quarters of a mile, half a mile and quarter of a mile.

Q. From one-quarter of a mile to three-quarters of a mile you would catch your fish?—A. Sometimes closer.

Q. Why didn't you fish further from the shore than three-quarters of a mile?—A. Because we would be going off the fishing grounds.

Q. Then, if I understand you, the bulk of the fish, the largest quantity of the fish, are within three-quarters of a mile of the shore?—A. The fish trim the shore close in fine weather, when the wind is off the shore. When the wind is on the shore the fish are like a ship, and they work out gradually to deep water.

Q. Do they leave the place altogether?—A. No.

Q. Do they go anywhere else for shelter?—A. When it is rough, stormy weather, with the wind on shore, they work off and get into some other lea. Then when the weather is——

Q. When the wind is off shore at your place, where would they go for shelter?—A. That I cannot say. But when the weather gets fine again they all come back.

Q. I think you said you had vessels engaged in the fisheries—schooners, had you?—A. I had a schooner engaged.

Q. Well, will you undertake to say whether it would be worth while to engage, to invest capital in the mackerel fishery, provided you were excluded from fishing within three miles of the shore?—A. I don't think any person would try it on our coast.

Q. Wouldn't it be profitable?—A. No; I don't think it would.

Q. Would it be profitable, I mean, to send vessels into the Gulf of St. Lawrence at all for mackerel, provided you were excluded from fishing within three miles of the land?—A. I can't speak of the Gulf of St. Lawrence from observation; I can only speak of our own coast.

Q. Well, as far as that coast is concerned, you are able to speak of that?—A. Yes.

Q. Are you aware, from the Americans themselves (you are speaking of the coast between Scatari and North Cape)?—A. Yes.

Q. Do you know from the Americans themselves whether they would

consider it worth while to come into the gulf to fish unless allowed to fish inshore?—A. They were always anxious to have the right to fish within.

Q. You know that from themselves?—A. Yes.

Q. Now, do you know whether they fished inshore after the abrogation of the Reciprocity Treaty?—A. I believe they did.

Q. And before that, did they fish inshore?—A. Yes.

Q. They were in the habit of so fishing?—A. I think that always, when they found there was no person to look after them, they would go to the fishing grounds, and that would be close inshore.

Q. Do you know how they were in the habit of fishing?—A. They carried on the fishing with the hook on our coast pretty much altogether. There was one year that two vessels fished with nets at our harbor, but they did not follow that up often.

Q. When they were actually engaged in the fishery, how were they in the habit of commencing to fish and carrying it on?—A. Well, they had their bait; they would run in close to the shore to smooth water.

Q. Describe how close to the shore.—A. Well, as close as it would be comfortable for vessels to go.

Q. As close as it would be safe?—A. Yes; that is the way they would contrive to raise the fish; then they would throw their bait overboard. Some days the fish would be abundant, but would not bite. The mackerel is very peculiar. There may be one great day for the fish, when the fishermen will remark that they are hungry. The mackerel will bite better before a storm always. If there is a fine day before a storm the mackerel will always bite. Well, they throw the bait overboard; if they raise the mackerel, a lot of vessels, then they drift off shore, and the fish would follow them and they would continue fishing. By-and-bye the mackerel would appear to get slack, and then they would set their sail and run in toward the shore.

Q. As close as they could come?—A. Yes.

Q. Then they would drift off again in the same way?—A. Yes.

Q. And they would continue that mode?—A. Yes; they would continue and would catch some of them outside the limits, as we would say.

Q. But the quantity of fish would slacken until they would have to run in again and go out the same way?—A. Yes.

Q. That is the practice of catching fish?—A. That was the practice on our coast.

Q. Well, would they run in where your boats were fishing?—A. Sometimes.

Q. Did they in any degree interfere with the fishing?—A. Our people would say that once the vessels came in amongst them they could not catch fish.

Q. Why not?—A. Well, the bait the Americans had for fishing was better, and they threw large quantities of it overboard, and the fish appeared to be attracted by it. Our people fished in their boats, you know; they would fish just from their moorings.

Q. What time did you leave St. Ann's; you had a business establishment there, and resided there, did you not, all the time?—A. From 1847 until 1874.

Q. Well, then, you removed from there?—A. I removed from there.

Q. Now, did you carry on the business of mackerel-fishing until 1874?—A. From 1850 to 1873.

Q. You carried it on until you moved?—A. Yes.

Q. Did your establishment go into the hands of another person?—A. Yes.

Q. Has he been carrying on the mackerel fishing since?—A. Yes; to some extent.

Q. He has your place of business, your fishing boats and gear, and just stepped into your shoes, as it were?—A. Well, I didn't keep a large number of fishing-boats, except sufficient for my own use, but I supplied the whole country along there and took their fish.

Q. He has been going on up to the present time?—A. Yes; he is there now.

Q. I suppose you were in frequent communication with him?—A. Yes; every week, nearly.

Q. Has he been going on with it this year?—A. Yes.

Q. Is it any better this year?—A. I can't say that it is.

Q. You don't know whether it is or not?—A. He took about a couple of hundred barrels with the seine sometime in July.

Q. Well, these mackerel, these 200 barrels, were taken with the seine inshore, were they?—A. They were taken at Ingonish.

Q. Did you ever know of such a mode of taking them as by the purse-seine by our fishermen?—A. No; not with our fishermen, but they have with us what they call a spiller; that is, where you take mackerel on rough bottoms, where you can't haul the seine ashore, you have another seine to put inside to take the fish out.

Q. By that mode do you take all the fish?—A. Yes.

Q. You don't throw any of them away. Do you know anything about the purse-seine?—A. I know only by report.

Q. Do you know it from the Americans themselves?—A. Well, by what I understand about it it is that you can take mackerel with them wherever you can find them, wherever they show themselves.

Q. Do you know whether this injures the fishing-grounds or not?—A. If the mackerel are allowed to go to waste, or get destroyed, or anything of that kind, that would be considered injurious. The mackerel are considered by the fishermen to be easily frightened. Our people have a prejudice against seining mackerel altogether.

Q. Do you know whether the Americans consider our mackerel inferior or superior to what they take on their own coasts?—A. There is no mackerel superior to ours when they are properly dressed. The further you go north the better the fish.

Q. I believe, Mr. Ross, you were in the House of Commons at the time the Washington Treaty was discussed?—A. I was.

Q. Did you oppose or support it?—A. I opposed it. One of the bright things in my political history is that I opposed the Washington Treaty.

Q. Did you consider it would be better for Canada to preserve her own fisheries, and exclude the Americans?—A. My reason for opposing the Washington Treaty was that it left unsettled the very thing that it should have settled. It left undone what it ought to have performed. That was a great weakness in the treaty. Then I opposed it again because I believed we were giving away too much and receiving too little.

Q. Well, do you believe that now?—A. I have no reason to change my mind; that is, unless you get it now.

Q. Now, what do you consider the general opinion of those fully acquainted with the subject to be with regard to the question?—A. I know my constituency highly approved of my action in opposing the Washington Treaty.

Q. You were aware of that?—A. Yes; I had good evidence of it.

Q. You are aware that the people in that section approved of those

opinions that you held?—A. Yes; I was returned by acclamation afterward, at the next general election.

Q. I suppose you have means of ascertaining, besides, that that was the general sentiment of the people fully acquainted with the fisheries?

—A. Well, the sentiment of our people is that the advantages were too limited for what we were giving in return. Those are my own sentiments.

Q. Well, do you find that to be the general opinion of those acquainted with the subject?—A. That is the opinion of the leading men in my own constituency.

Q. Now, do you know whether the price of mackerel after the abrogation of the treaty—has the price increased or fallen off?—A. Some years it fell off to less than it was before. I think it was the year 1872 that mackerel was very low.

Q. Do you know anything about the average price after the imposition of the duty?—A. Well, we supposed it was only our best mackerel that was wanted for the American market. For instance, the poor fish, a quantity of that would be wanted for the West Indies trade. Our fall mackerel would be wanted by the Americans because they were fat, and the price averaged from \$11 to \$14, according to the quality.

Q. Well, since the Washington Treaty have the fishermen received any more, or less?—A. Not so much.

Q. Since the Washington Treaty the fishermen—I am not speaking of any particular class, but generally speaking—since the Washington Treaty you say the fishermen have not received as much?—A. One year during the Reciprocity Treaty the price was high.

Q. I am now asking with regard to the Washington Treaty. You say they have not received as much?—A. No.

Q. Now, do you know where the bait is procured by the Americans for the cod-fishery?—A. Sometimes they run into our harbors for bait.

Q. Did they get bait from you?—A. No. I never sold it. You know the bait would not be caught where I reside. It would be caught about Ingonish and Cape North.

Q. Do you know whether they could carry on the fishery successfully without procuring bait from our shores?—A. I think for the successful prosecution of the cod-fishery fresh bait is absolutely necessary.

Q. Do you know how often they would come in for it at the places you speak of?—A. Just occasionally.

Q. How many times during the season would they come in?—A. I could not speak from observation, only that they used to come into Ingonish, and along there, to get bait.

Q. During every season?—A. Yes, during every season they fished off there.

Q. I don't know whether you are aware of their transshipping or not from the Americans themselves?—A. I heard from them.

Q. From themselves?—A. Yes.

Q. Do you know, from what they were in the habit of informing you—do you know whether they consider it a valuable privilege?—A. It would be a privilege so that they could prosecute the fishery to a better advantage during the fishery season.

Q. In what respect?—A. They fitted out again and went on the fishing-grounds without being compelled to go home with the fish.

Q. What proportion more of codfish do you think they would take by having the privilege of obtaining bait under the treaty?—A. I should

think a vessel using fresh bait would catch at least double the quantity of fish.

Q. You have confined your statements chiefly to your own district. I don't know whether you have ever learned from the Americans what number of vessels they had in the gulf. Can you speak on that subject?—A. I could not say positively. Perhaps six or seven hundred.

Q. And do you know how many barrels of mackerel they were in the habit of catching each trip?—A. I think from 600 to 700 barrels, or 800 barrels. Of course that would be a successful trip, a very successful trip. They would not average that.

Q. Well, now did the American fishermen ever deal with any person else on your part of the coast except yourself?—A. O, yes.

Q. I mean any trader?—A. Up at Ingonish there were some traders.

Q. How far is that from your place?—A. Twenty-five miles.

Q. But I am speaking of your harbor?—A. Not much. They dealt some at Sydney. They would fish there and get cargoes off there.

Q. But that is a long distance from you?—A. About 25 miles.

Q. The harbor? I thought it was more. Then you are not speaking of those same vessels that would deal with you? They would not deal at Sydney?—A. Sometimes the same vessels would fish from our coast right up to Sydney and go in there and get what they wanted as it suited them.

Q. Was it usual or unusual for a vessel not to get her fare of mackerel?—A. The vessels that frequented our place would be generally on their second trip; sometimes on their third.

Q. Would they usually—was it usual or unusual for vessels not to get a good catch of mackerel?—A. Sometimes vessels would be nearly loaded; at other times there would be perhaps some vessels with a very small catch. The majority would be well filled.

By Mr. Dana:

Q. Speaking of the mackerel fisheries this year, Mr. Ross, as collector of customs in Halifax you have had a pretty good opportunity of observing or hearing what reports are made of the state of the mackerel fishing, haven't you?—A. I could inform myself by looking at our exports.

Q. Well, do your ships come in here and report the state of things? You have a way of hearing these reports?—A. Sometimes they do.

Q. I believe the other day, in a newspaper published here called the Chronicle, it was stated that the mackerel fishermen (I think this was within four or five days) came in and reported that there was very poor mackerel-fishing in the bay.—A. There was very fair mackerel-fishing in the month of June, but lately I think that the mackerel-fishing has been slack.

Q. Well, you knew that fact; perhaps you saw it in the newspaper?—A. I just read it.

Q. Didn't that correspond with the information you had?—A. The information I got from our own people was that there was plenty of mackerel, but they didn't bite.

Q. Well, when I spoke of the mackerel I did not refer to what might be in the ocean.—A. I have peculiar views about the fish. I believe the mackerel are as abundant as ever they were.

Q. You don't think any of these causes that have been talked of have had any effect in diminishing the amount of mackerel?—A. It might be injurious to the fishing interests in some localities.

Q. But, on the whole, the amount of mackerel that the vessels can

get———A. I think, as a general thing, they are as abundant as ever they were, fish of every description.

Q. But when I speak of vessels coming in and reporting, I don't mean the number in the sea, because that they can't know much about, but I refer to the mackerel that they catch. The catches have been bad, have they not, for some weeks past?—A. I see by the papers that the catches have been light lately.

Q. Is not that according to your own observation of the reports you have received? That statement has not been contradicted to my knowledge.—A. No.

Q. Well, is it not true that, either from want of mackerel—I don't care how that is—or from their not biting, the catches have been light?—A. The catch has been light.

Q. Now, as to the transshipment of American cargoes, there has not been much of that done within the last few years in mackerel, has there?—A. There was no transshipment on the coast that I am acquainted with.

Q. Now?—A. No.

Q. What coast would that be?—A. From Scaterie to Cape North.

Q. Do you mean that there never has been any transshipment there, or that there is not now?—A. There is not now.

Q. When did that cease?—A. It was never carried on, I think, to any extent.

Q. It was never carried on but to a slight extent, and has that ceased? And as far as you know as to the rest of Nova Scotia and Cape Breton, has not the transshipment very much diminished of late years?—A. The transshipment, I think, is more from Prince Edward Island and the Strait of Canso.

Q. Well, we shall have witnesses who have lived there to speak on that point. I mean to speak of the coast that you are acquainted with, Halifax and its neighborhood, and that part of the Island of Cape Breton that you are familiar with. Has not the transshipment very much diminished?—A. I have said it was never done to a very great extent on the coast I am acquainted with.

Q. Taking what you know through your official position, your business, or your personal observation, is it not true that it has diminished?—A. You know the vessels that would come to Halifax, the American vessels, would not transship.

Q. Why not?—A. They are near home, and they would be off the fishing-grounds. They would be far away from the fishing-grounds. The object of transshipping would be to get back next day and catch more mackerel. Now, if they transshipped in Halifax it would take several days before they would get back to their former position. It would only take them a day or two more to get to the United States with the fish.

Q. It would not take them as long to transship and go back as to go to the United States and return?—A. Well, they would not come here except on their way home.

Q. So from some reason or other it has not been done here from Halifax?—A. I do not think it is done here.

Q. Is there any other port on the coast of Nova Scotia or Cape Breton where it exists to a considerable extent to your knowledge?—A. The principal place where it would be carried on—of course I can only speak from report—would be Prince Edward Island and the Strait of Canso.

Q. Well, perhaps the Commissioners know as much about that as you do yourself, but where you know of, it is not done?—A. No. I mentioned

Reciprocity Treaty; you thought the Washington Treaty would prevent or make less probable a general Reciprocity Treaty, didn't you?—A. In 1853 and 1854 our fisheries were protected, and then the Americans came seeking reciprocity. Now we gave them our fishing rights and we gave them all they wanted. I considered that would make them indifferent for reciprocity afterwards.

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Q. During the time you lived at St. Ann's you didn't yourself fish?—A. Not personally.

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Q. You say those you employed to fish caught in your boats?—A. Yes.

Q. Now, during that time you were largely engaged in public affairs a great many years, were you not?—A. Yes.

Q. You were many years in the legislature of the province. You were in the House of Commons of the Dominion and in the Privy Council of the Dominion. That required your absence from home, didn't it?—A. Not during the fishing season. That was in the winter.

Q. But it required your absence from home. Your attention had to be given to public affairs. You had elections to look after?—A. Very few, fortunately.

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Q. You think they have to pay them?—A. Yes.

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Q. The number of American fishing vessels that come in here is very small?—A. Very limited. They come here in the fall of the year, in the month of November. There is a large number that come in here on the way to Newfoundland and get supplied here.

Q. And in the other ports they frequent there are no pilots?—A. No. There are no pilots in the fishing ports. The pilotage is a matter outside of my duties altogether.

Q. You were speaking of the mackerel going south from your coast. About what time did you say it was?—A. From the 20th of October up to the 10th of November.

Q. They go south?—A. They clear away out of the bay altogether.

Q. Do you understand that they stop on the coast on their way south?—A. I have always understood from American fishermen that those were the fat mackerel that they caught on their own coast in the month of November.

in my evidence that the vessels that frequented that coast would come in the months of August and September and October. They come to get fat mackerel, and whatever mackerel they would have in or catch they would then be on their way home. You know the mackerel clear out in the fall of the year, and the Americans follow them, and follow them from the north to the south, till they lose them on their home course. They don't transship, because they are just like the mackerel themselves. They follow the mackerel and go home.

Q. Those are their best mackerel?—A. No doubt of it. The mackerel are getting better and better from July until they leave our coast. They get fatter and fatter.

Q. Is there any better mackerel anywhere than the mackerel caught off the coast of New England, say off Cape Cod, in November?—A. Those are our mackerel going south. They find our winter uncomfortable and go home.

Q. Don't they cease to be Dominion mackerel after going into our waters?—A. I should think they would.

Q. Well, now, the fat ones are not born here. They come up in the spring from the south, followed by the Americans, and go into the bay; you get them about Cape Breton in October and the first part of November; then they go south. Now I ask you whether there are any better mackerel in the world than the mackerel caught off Cape Cod in November. Your answer is that they are your mackerel?—A. Yes.

Q. Well, we have disposed of that as not being a well-founded claim; but irrespective of that question, are there any better mackerel than those that are caught there?—A. I believe they are the same mackerel that we catch about the latter end of October and the first of November—equally fat and good. But there is something about the history of mackerel—

Q. Perhaps that will not be necessary. Do you say that fresh bait is so much more adapted to the taste of the cod that it is almost impracticable to fish with salt bait?—A. Yes.

Q. Now, do you know how long it is since salt bait has been given up?—A. It would be always given up when you could get fresh bait to use.

Q. I would like to have an answer to my question. Do you know when they began to substitute fresh bait for salt?—A. I think there is more fresh bait used of late years than formerly.

Q. Don't you know that the Cape Cod fishermen use salt bait altogether on the Banks still?—A. They take clams with them.

Q. What else? My question was this: whether you did not know that the Cape Cod fishermen still used salt bait?—A. Not to my knowledge.

Q. You may have heard it. You know it from information, don't you?—A. It altogether depends upon where they fish.

Q. Well, I am speaking of the Banks. We will say the Grand Banks.—A. The Americans go down to Newfoundland in the winter and they use fresh bait there in the winter season.

Q. Now, I ask you the question, whether you don't know that they continue to use salt bait?—A. I say that depends upon where they are fishing.

Q. On the Grand Banks?—A. If they fish on the Grand Banks, I think it is likely they use a large quantity of salt bait.

Q. You have heard that was the case?—A. Yes.

Q. There were times when there was no fresh bait used for the cod, except what was caught on the Banks?—A. We always used fresh bait.

Q. Who do you mean by "we." Were your people fishing on the Banks?—A. No; there was no necessity for them.

Q. Then your answer is not an answer to my question. Now we have got the fact that you know very little about transshipment of cargoes, that you have heard that the Cape Cod people, for some reason or other, good or bad, use salt bait, and that formerly salt bait was used almost altogether for codfish, and the fact that it was not used by your people fishing for mackerel and out of boats has nothing to do with it. Now you say that when you were in the Dominion Parliament you opposed the Treaty of Washington?—A. I did.

Q. Did you suppose that treaty gave the Americans the right to buy bait in your ports?—A. I suppose it gave them pretty much all the privileges they enjoyed during the Reciprocity Treaty.

Q. Well, can you answer my question? Did you suppose that that Treaty of Washington gave the Americans the right to buy bait in British American ports?—A. I should think it did.

Q. Did you at the time you opposed it?—A. Certainly.

Q. Do you think that it gave them the right of procuring supplies?—A. Yes; just the same as they did during reciprocity.

Q. Do you think that it gave them a right to transship? I don't mean merely that it acknowledged that right as existing, but that they obtained it under the treaty.—A. I think they had the right.

Q. You think they had the right before?—A. I don't know.

Q. Do you think the treaty gave it to them?—A. Yes.

Q. Then you suppose that the treaty gave it to them, and that they had not the right to buy bait, transship their cargoes, and purchase ice and supplies?—A. No; without the treaty they could not do it, but with the treaty they could.

Q. The treaty gave it to them?—A. Yes.

Q. Did you know at the time you opposed the treaty that the treaty made provision for compensation, in case any was due?—A. I did. I did not think much of it on that account.

Q. Well, you thought you would not get anything, perhaps?—A. No; but that what we would get would be very little compensation for what we were giving away.

Q. Didn't you know there was a tribunal established to do justice on that point?—A. My argument was that I did not consider that any reasonable money compensation would be equal to us to the thorough protection of our own fishing rights.

Q. And the great advantage the Americans got from the treaty of buying bait, ice, supplies, &c., all these put together tended to make up your judgment, didn't they?—A. Yes. I looked upon their right to fish on our grounds as the really heavy objection that I had to the treaty.

Q. You did not want the Americans to fish on any of your fishing grounds?—A. No, indeed.

Q. On any terms, whatever money they would give you?—A. No; on any money consideration.

Q. Then you differed from the government that made the treaty?—A. Yes.

Q. You thought the treaty ought not to be made, didn't you, whatever terms were come to, tribunal or no tribunal?—A. I thought we should have received larger privileges from the Americans than we did.

Q. What privileges did you expect in return?—A. Well, what would be to the mutual advantage of the two countries, in my opinion, would be a general Reciprocity Treaty.

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Q. Now, do you allow ~~anyone~~ ~~to~~ ~~go~~ ~~on~~ ~~the~~ ~~water~~ ~~without~~ ~~paying~~ ~~pilot~~ ~~duties~~?

Q. You think they have a ~~right~~ ~~to~~ ~~go~~ ~~on~~ ~~the~~ ~~water~~?

Q. Every one, whether he comes ~~from~~ ~~the~~ ~~land~~ ~~or~~ ~~the~~ ~~water~~ ~~or~~ ~~anywhere~~ ~~else~~ ~~in~~ ~~the~~ ~~world~~?

Q. I didn't ask you ~~that~~ ~~in~~ ~~the~~ ~~first~~ ~~place~~ ~~if~~ ~~they~~ ~~paid~~ ~~it~~ ~~or~~ ~~not~~ ~~to~~ ~~pay~~ ~~it~~?

Q. What is the ~~amount~~ ~~of~~ ~~the~~ ~~charge~~?

Q. You are at the ~~head~~ ~~of~~ ~~the~~ ~~bay~~ ~~or~~ ~~the~~ ~~harbour~~ ~~or~~ ~~anywhere~~ ~~else~~ ~~in~~ ~~the~~ ~~world~~ ~~at~~ ~~all~~ ~~I~~ ~~don't~~ ~~know~~ ~~what~~ ~~it~~ ~~is~~?

Q. Is it done anywhere ~~else~~ ~~in~~ ~~the~~ ~~world~~ ~~in~~ ~~accordance~~ ~~with~~ ~~the~~ ~~regulations~~ ~~made~~ ~~by~~ ~~the~~ ~~Government~~?

Q. Is it the practice in ~~other~~ ~~countries~~ ~~to~~ ~~pay~~ ~~pilot~~ ~~duties~~ ~~on~~ ~~all~~ ~~vessels~~?

By Mr. Wearne:

Q. Mr. Foster has asked ~~me~~ ~~if~~ ~~you~~ ~~know~~ ~~of~~ ~~any~~ ~~vessels~~ ~~that~~ ~~pay~~ ~~pilot~~ ~~duties~~?

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Q. They pay ~~pilot~~ ~~duties~~ ~~in~~ ~~the~~ ~~bay~~ ~~or~~ ~~the~~ ~~harbour~~ ~~or~~ ~~anywhere~~ ~~else~~ ~~in~~ ~~the~~ ~~world~~?

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Q. According to the ~~same~~ ~~regulations~~ ~~that~~ ~~you~~ ~~mentioned~~ ~~before~~?

By Mr. Foster:

Q. Haven't you taken of ~~any~~ ~~vessels~~ ~~this~~ ~~year~~?

Q. Haven't you exercised ~~any~~ ~~power~~ ~~to~~ ~~prevent~~ ~~any~~ ~~vessels~~ ~~from~~ ~~going~~ ~~on~~ ~~the~~ ~~water~~?

Q. I think there was ~~no~~ ~~power~~ ~~to~~ ~~prevent~~ ~~any~~ ~~vessels~~ ~~from~~ ~~going~~ ~~on~~ ~~the~~ ~~water~~?

Q. Of course, Mr. Smith knows ~~of~~ ~~the~~ ~~power~~ ~~to~~ ~~prevent~~ ~~any~~ ~~vessels~~ ~~from~~ ~~going~~ ~~on~~ ~~the~~ ~~water~~?

Q. I do not doubt that ~~it~~ ~~is~~ ~~possible~~ ~~to~~ ~~prevent~~ ~~any~~ ~~vessels~~ ~~from~~ ~~going~~ ~~on~~ ~~the~~ ~~water~~?

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mackerel can be taken except inshore?—A. I never heard of any. My experience always led me to believe that except on Banks they could not be caught in deep water.

Q. The water is shallow on the Banks?—A. Yes; and there is feed there. They may stay on the Banks a little while when going in and a little while when coming out.

Q. In the spring they may be taken when passing over the Banks, and also in the fall when passing over the Banks?—A. Yes.

Q. That is the only deep-sea mackerel fishing?—A. I have always been led to believe that.

Q. You have not only had your own personal experience as an employer of schooners, but you have had a good deal of experience with mackerelers who come and trade with you?—A. Yes; I know all the men who go on voyages, and I generally have conversation with them about fishing.

Q. Did you ever understand from any one that the inshore fishery was not worth anything?—A. I always understood that the inshore fishery was the most valuable. The men have always said so.

Q. Did you ever hear of any person who did not consider it so?—A. No; they have a practice of luring the fish out. They grind their bait.

Q. Will you describe how they allure the fish out?—A. They come in, throw their bait out, and get the fish outside. They grind their bait at Port Hood and Canso.

Q. If they had not the privilege of coming inshore they could not allure the fish out?—A. They have to come inshore to do it.

Q. If the Americans were prohibited from coming within the three-mile limit, could they successfully carry on the mackerel fishery in the Gulf?—A. I don't think so; not from my knowledge of the facts.

Q. Could they carry on the fishery at all?—A. I don't think so. From what I have heard from men having knowledge of the matter I should not think so.

Q. Are you aware that since the Treaty of Washington the Americans have been in the habit of transshipping cargoes very much?—A. Yes; they have transshipped right along. They have been sending cargoes along from Canada by steamers to the States.

Q. Is that a valuable privilege?—A. I should think it is, because they have a chance of any rise in the market, and they can stop and fish while their cargoes are going forward. If they have fares of 300 or 400 barrels, they can transship them and keep on fishing.

Q. Are you aware of the fact that they don't wait always in the bay to get full fares, but get as many as convenient, transship them, and go right back to the fishing ground?—A. Yes; I have heard it.

Q. Have you heard that they do not make a point to get full fares before they transship?—A. I have heard of vessels having 300 barrels forwarding them. What their instructions were I don't know, but I have known that to be done.

Q. You say it is 18 years since you were engaged in fishing; during these 18 years, what has been the average number of American vessels in the Gulf fishing mackerel?—A. From what I have been able to gather, about 400 vessels.

Q. Some years there would be a great many more, I suppose?—A. Yes; I think there would be more some years.

Q. When you put the number at 400, is that a high or low average?—A. I think that is a fair average.

Q. That is mackerelers alone?—A. The American vessels which come down.

Q. For the purpose of fishing mackerel?—A. Yes; that is about the only business on which they come to the bay.

Q. Are you aware that some come down for cod-fish?—A. Yes; some do, but only a few. They generally go to the Banks for their cod-fish.

Q. There are codfish banks in the bay?—A. Yes.

Q. You put the American mackerelers annually in the Gulf at 400 as a fair average?—A. Yes. From what I have heard, talking with one and another on the subject, I suppose that is a fair average.

Q. What would be the average tonnage of those vessels?—A. The American fishing-vessels generally range from 60 to 80 tons—there may be a few over that. There are some large vessels, but the average will be about what I have stated. Of late years their vessels are a little larger than they were.

Q. You have said they would take from 9 to 9½ barrels to the ton?—A. Yes; you would have to deduct a little for American tonnage—one-fifth, I think.

Q. What would be a fair catch each trip for those vessels?—A. I think 400 barrels would be a fair average. Sometimes they would make three trips.

Q. And sometimes two?—A. Yes.

Q. Do you put 400 barrels as a low average?—A. That is considered to be a fair, moderate average.

Q. Then a season's catch would average at least 800 barrels?—A. That would be a fair average.

Q. You have had a good deal of experience about the matter, both practical experience as owner of vessels and from dealing with fishermen; is that your idea of the average catch?—A. That is my idea from conversations I have had with fishermen, and I have had a good deal of conversation with them. That is my opinion, based on what they have told me and on my own knowledge of the business.

Q. Since the Treaty of Washington the Americans have been in the habit of transshipping a great deal?—A. A good deal of fish is trans-shipped.

Q. You are aware that a good deal of cod-fish is caught by American fishermen in our waters along the shores of the Gulf?—A. Yes; I think on the Banks there is.

Q. To what Banks do you refer; the Banks off the coast of Nova Scotia?—A. Some off the Banks of the coast of Nova Scotia.

Q. Do you mean the Banks in the bay?—A. There are some Banks in the Gulf where cod-fish are taken, but I don't think the Americans carry on that fishing very extensively. The George's Banks form their principal fishing place for cod.

Q. What bait do the Americans use for that fishery?—A. They generally try to get fresh bait, if possible.

Q. What kind of bait?—A. They use herring and squid.

Q. Where do they get the bait?—A. They come into Prospect and get a great deal of bait there.

Q. How far distant is that place from here?—A. About 25 miles. They go in there for ice and bait.

Q. Have they done that during the last 8 or 10 years?—A. They go in there every year they come round.

Q. They get large quantities of bait there?—A. They get bait and ice. Some were there the other day.

Q. Do they come into Halifax for bait and ice?—A. They get very little here; they do not find it so convenient as the ports round the coast. They find if they come to a city they expend money on things which they could do without. Besides, they can keep the men better together if they do not come here. There is no inducement at Prospect to take the men away from a vessel.

Q. They generally go to the outports for bait?—A. Yes.

Q. Could the Americans carry on that cod-fishing without having the privilege of getting that bait?—A. I should not think so, because if they could get it elsewhere they would not come here for it.

Q. Have you ever talked with them or heard them speak on the subject?—A. I have seen American fishermen fitting themselves out with bait and ice.

Q. And without bait and ice they could not carry on the cod-fishery?—A. They must have bait; they could not do anything without it.

Q. Are you aware whether they fish for bait or buy it?—A. They buy the bait.

Q. If they were denied the privilege of buying the bait, they would either have to catch it or do without it?—A. They might use salt bait, but I do not think they would get as good a fare of fish.

Q. Is not salt bait entirely discarded for the purpose of cod-fishing?—A. We do not use any salt bait about here.

Q. Could fishermen using salt bait compete with those using fresh bait?—A. I do not think so. Fish will take fresh bait more readily than salt bait. If they have Hobson's choice, and are hungry, they will take salt bait.

Q. Then, if the Americans were prohibited from buying that fresh bait, they must necessarily fish for it, or do without it altogether?—A. Yes; unless they can get it from their own coast.

Q. They have not managed that yet?—A. They never did it, that I am aware of. No doubt at Canso they supply themselves with bait and ice.

Q. Before the Treaty of Washington, salt mackerel sent from here to the United States was subject to a duty of \$2 per barrel?—A. I think \$2 was the amount.

Q. Did the dealers in fish make as much money with the duty on fish as they do now with the duty removed?—A. Yes. The consumer, of course, has to pay the duty. There would be a proportionate price charged for the fish.

Q. Who do you say, in the case of mackerel, pays the duty?—A. It is like every article of commerce and merchandise; if a duty is put on, the consumer pays it.

Q. Are the best mackerel sent to the American market?—A. Our best fish go to the American market.

Q. And the poorer kinds go to the West Indies?—A. The Americans sometimes buy large No. 3. They are buying a great many of these just now; but, as a general rule, the heavy, fat mackerel go to the American market.

Q. Taking either the American coast or our coast, is not the supply of mackerel always limited?—A. I think so.

Q. If the Americans imposed a high duty on mackerel could they supply the demand from their own fisheries?—A. They never did it that I am aware of.

Q. Even when the fishing there was tolerably good?—A. No.

Q. Are you aware whether they have good or bad fishing there now?—A. The latest advices we have from the United States say that the

fishing is bad; that there has been a short catch. The price of fish has gone up \$1 per barrel.

Q. For years back, has there not been a short catch on the American coast?—A. There has not been an overcatch of mackerel in the United States for several years. They had a very good catch last year. This year it has been a bad catch; they say so themselves. We cannot now purchase fish enough for the demand.

Q. You say whatever duty they may impose the consumer pays it?—A. I judge that will follow.

Q. Would you, as a practical man, prefer the Americans, as a mere matter of money, excluded from the fisheries on our shores, and let them put on any duty on our fish entering the American market?—A. I could hardly give an opinion on such a broad subject as that.

Q. Does not your opinion that the consumer pays the duty, involve that?—A. I cannot give an opinion on that subject.

Q. You are quite prepared that they should impose a duty of \$2 per barrel?—A. We were quite satisfied when that duty was on; we made good sales and obtained good prices. There was no complaint; the fish sold readily. Practically, all the fish we send to the States is on order; very little goes on consignment. It does not do to ship mackerel or other fish on consignment to the States.

Q. Why?—A. Those who have tried it have always found it better to ship fish on order to the States.

Q. Are our mackerel—say No. 1 or No. 2—as good or better mackerel than those obtained off the American coast?—A. I think they are pretty much the same. Our mackerel are a little heavier, I think. There is a little difference in the dressing of them. When American fishermen dress mackerel they rim them, which makes them look whiter. Our people do not do that.

Q. What is the effect of rimming them?—A. It takes the black off the fins and makes the fish look whiter. The opinion among our people, however, is that the fish is not so nice when thus dressed.

Q. It makes the fish pleasant to the eye?—A. It makes the fish look better and more marketable. The American mackerel always bring more than our mackerel by half a dollar a barrel.

Q. Take codfish: is there a large quantity caught inshore along the coast of Nova Scotia?—A. Yes, a great deal of cod is caught off the shore.

Q. Within one or two miles of the shore?—A. Yes.

Q. All the herring taken on this coast are taken, I believe, within that distance off shore?—A. All herring, except fall herring, which go off to the Banks.

Q. The spring and summer herring are taken inshore?—A. They are almost all taken inshore.

Q. Is halibut taken within the limits?—A. They do not catch many halibut within the limits; they are generally taken on the Banks. Haddock are taken on near Banks, but come inshore sometimes. Pollock and haddock are inshore fish, and are generally found about rocks; they like to be in the sun.

Q. Are large quantities of herring taken on the coast of Nova Scotia?—A. Large quantities.

Q. Is the supply of herring practically unlimited?—A. There is generally a very fair supply of herring in the season.

Q. Are mackerel taken along the coast of Nova Scotia?—A. Yes; mackerel are taken very close in. The harbor is full of them now.

Q. And do they stay here all the season?—A. They go away in the fall. In the middle of October they begin to move off.

Q. Along the coast of Nova Scotia, I believe, mackerel are not taken outside of two or three miles of the coast?—A. No.

Q. It does not differ as regards that from the gulf and Bay Chaleurs?—A. No.

Q. Did any of your vessels ever fish in Gaspé Bay, or did they not go farther than Bay Chaleurs?—A. Our vessels generally stopped in Bay Chaleurs.

Q. Did the vessels go straight to Bay Chaleurs?—A. Yes.

Q. Is it the usual practice to go direct to Bay Chaleurs without stopping at Prince Edward Island?—A. Some vessels do and some do not. Some fishermen stop about the island and afterwards run up to the bay, but most of our fishermen go right up to Bay Chaleurs.

Q. Those which stay and fish about Prince Edward Island form the exception?—A. Yes.

Q. In other words, the Bay Chaleurs fishing fleet is a distinct fleet?—A. Yes. Some men, if they find the fish scarce in the bay, go to the island and endeavor to get them there.

Q. They give the bay the first chance?—A. Yes.

By Mr. Foster :

Q. How many years have you held your present position as secretary of the Halifax Chamber of Commerce?—A. I have been there five years.

Q. What did you do before that time?—A. I was at pretty much the same thing. We reorganized the chamber about five years ago. I had been keeping the Merchants' Exchange and Reading Room.

Q. Your chief business is having charge of the Merchants' Reading Room?—A. My chief business is that of a broker.

Q. A broker in anything?—A. In anything. I buy fish and send it to the States sometimes.

Q. Do you deal much in it?—A. Not a great deal.

Q. What sort of fish do you buy?—A. Sometimes mackerel.

Q. Do you buy codfish?—A. Very little cod.

Q. How much mackerel have you bought within the last five years to send to the States? Take first the present year.—A. I suppose 700 or 800 barrels a year would cover it.

Q. You went out of the fishery business 18 years ago?—A. Yes.

Q. What did you go into then?—A. I went into gold-mining.

Q. Had the fishing business been successful up to the time you left it?—A. Our business had been successful; 1857 was not a very successful year.

Q. How many years had you been in the fishing business yourself before you left it to go into gold-mining?—A. Four years.

Q. What were you in before that?—A. I was in the fishery business all my life. I was 16 years in Newfoundland supplying fishermen with goods. I was brought up in a fishing-house.

Q. As a clerk?—A. Yes.

Q. Had you been anything more than a clerk up to the time you came here?—A. No.

Q. And how many years ago did you come here?—A. Twenty years ago.

Q. Up to the time you left Newfoundland, 20 years ago, had American vessels been in the habit of coming there for bait?—A. Not there.

Q. Nor for ice?—A. Not while I was there.

Q. You never saw them there for that purpose?—A. No.

Q. Had they come there and trafficked for herring with the inhabitants?—A. At the part of the island where I was brought up nothing but American traders came. They took dried fish. I was brought up at Bonavista.

Q. They took dried fish?—A. All kinds of dried fish and oil.

Q. That would carry you back to 1859?—A. Yes.

Q. That would be during the existence of the Reciprocity Treaty?—A. Yes.

Q. How many years before 1859 had you known that trading business to have gone on there?—A. It was in 1848 I first went to serve my time at the business. At that time, when I was a boy, at that place and all down the coast the people expected the traders to come every year.

Q. Did they buy frozen herring in those days?—A. Nothing was known in those days of frozen herring.

Q. But American traders came there and bought the dried codfish from the fishermen?—A. Yes; from the inhabitants.

Q. Did they buy them from the planters or common fishermen?—A. From the common fishermen.

Q. What was the name of the firm with which you were engaged?—A. McBride & Kerr, a Scotch house.

Q. Was that trade by the Americans with the inhabitants very injurious to that firm?—A. I tell you we did not like it.

Q. It interfered with the business of the house in which you were employed?—A. We did not like it. It was also injurious to the fishermen, because if we found they traded with the Americans they did not get anything to eat that winter. That was all.

Q. Notwithstanding that disadvantage, they were glad to buy from people, were they not?—A. It cured itself in a few years. The Americans went to Labrador.

Q. Finally you starved the fishermen down to it?—A. These men were dependent on us in winter. They never came in with sufficiently good cargoes to pay up their accounts. It was not starving them to it, because they were people we had to look after. These firms take all the fish from the fishermen, and it matters very little whether there is a debit or credit, they get supplies in winter.

Q. They fed and looked after them I suppose, like a good planter in the South did his slaves?—A. They looked after the fishermen whose fish they bought.

Q. Those fishermen are still poor and dependent?—A. Some, the more industrious and careful, get above that position; but as a class they are pretty poor and dependent. They were afraid to trade with Americans, because the firms could starve them out if they did it; that is, they would not give them supplies. After we had supplied them with outfit and goods, they would sometimes, under cover of night, take their fish away.

Q. What time of the year did the Americans come?—A. About the beginning of August.

Q. At that time were the fishermen in debt?—A. Yes.

Q. And they were in debt through the winter?—A. We had always to carry a large amount.

Q. You will be surprised to find that since trade with the Americans had increased largely the fishermen of Newfoundland have grown better off?—A. I was this year at the place I have spoken of; I had not been there for 18 or 19 years. I found the people were in very much better circumstances.

Q. Did they have a frozen-herring trade there?—A. No; that was in the northern part of the island.

Q. After you left Newfoundland, you were four years in the fishing-business here?—A. Yes.

Q. During those four years how many fishing-vessels did your firm fit out each year?—A. For all places we fitted out, I think, about 150 or 200 vessels a year; that is, supplied them.

Q. Then did you not fit out the vessels as owners?—A. No; we were merchants and supplied fishermen.

Q. Were some of those vessels American?—A. They were all our own vessels.

Q. In the estimate you made of the number of American fishing vessels in the Gulf of St. Lawrence, to what years did you refer?—A. I referred to the last three or four years.

Q. What had been your means of knowing whether during those three or four years there had been 400 American mackerelers annually in the gulf?—A. I have had conversation with people from Canso and down that way, and obtained their ideas as to how many had passed through.

Q. We will take the last year, 1876, what is your estimate for that year?—A. I don't think under 300 vessels last year.

Q. In 1875, how many?—A. Pretty much the same.

Q. In 1874?—A. I think there were more vessels in 1874 than in 1875, or 1876.

Q. You think, in 1875 and 1876 there were 400 American mackerelers in the Gulf of St. Lawrence?—A. Yes, of vessels; I mean American vessels, all told. I have gathered my information from the people down there.

Q. If Mr. Thomson understood you to say there were 400 American mackerelers in the gulf each of those years, that is a mistake?—A. I mean 400 American vessels of all descriptions. The bulk, of course, were mackerel vessels.

Q. How much transshipping of fish cargoes have you known about yourself?—A. The way I come to know about that is by the steamers going from here to Boston. They call in at Port Hawkesbury and take fish there. All the fish coming there is American fish passing through to the States.

Q. When was the last occasion you personally were aware of American fishing vessels transshipping their cargoes?—A. I understand they do it this year. It came under my notice.

Q. Do you understand they did it as much last year as in previous years?—A. Yes.

Q. Then you don't regard the mackerel fishery as having fallen off in the gulf?—A. I don't think it has fallen off very much during the last two years.

Q. Has it within the last five or six years?—A. There was one year, about three years ago, when there was a short catch.

Q. You have never heard of a short catch since?—A. No.

Q. Your opinion is, that during the last four or five years the mackerel fishery done by Americans in the gulf has been as prosperous as it used to be, and about as much fish has been caught?—A. Pretty much about the same.

Q. Do you think American vessels, for the last four or five years, have averaged a catch of 800 barrels a season?—A. I think they have on an average.

Q. You think an average catch of 800 barrels to 400 vessels?—A. I think so. From all I can gather I should think so.

Q. Have you had any great opportunity or made it your business to ascertain the facts in that matter?—A. I have asked one and another and people engaged in the trade down that way.

Q. And that is the result?—A. That is the result.

Q. About bait for codfish; did you, when in Newfoundland, know anything about American cod-fishing on the Banks?—A. I did.

Q. How did you happen to know about that?—A. That was when I came to live at St. John's.

Q. When was that?—A. About 1850, I think.

Q. When you were in St. John's did American cod-fishermen use fresh bait on the Banks?—A. They generally went down to the Bay of Islands and got their bait.

Q. Where is that?—A. On the northwest side of the island.

Q. In 1850 they went there?—A. They used to go there and get herring bait.

Q. Frozen herring?—A. Yes.

Q. Did they, at that time, get squid or any other fresh bait?—A. They used to go a little further up, nearer St. Pierre, for squid.

Q. Off the island of St. Pierre?—A. Off the coast of Newfoundland, and the fishermen there sold them squid.

Q. They began that business so long ago as 1850?—A. Yes.

Q. The Americans bought herring also?—A. Yes.

Q. What year did you come to Halifax?—A. About 1856.

Q. Was this trade in buying herring and bait going on from 1850 to 1856?—A. Yes; in the same way.

Q. Did you know about the practice of American cod-fishermen? Were you aware that they used salt clams very largely?—A. I knew they used salt clams when they could not get anything else.

Q. Did you not know that some American cod-fishermen never used anything but salt bait—take those from Provincetown for instance?—A. I knew those from Provincetown used salt bait, but I thought it was only when they could not get fresh.

Q. You never knew that the cod-fishermen from Provincetown and Beverly never used fresh bait but always salt?—A. I understood that when they could not get fresh bait they used salt bait. I did not understand they depended solely on salt bait.

Q. You were in business a little while under the Reciprocity Treaty?—A. Yes.

Q. And have not been since?—A. No.

Q. But you know the condition of things in the interval between the Reciprocity Treaty and the Treaty of Washington, do you?—A. I was only a short time in Halifax under the Reciprocity Treaty, and it made very little difference in Newfoundland. I came here in 1856.

Q. You know about the Reciprocity Treaty from 1856 to 1860?—A. Yes.

Q. You were living here then?—A. Yes.

Q. You know when the Treaty of Washington was passed?—A. Yes.

Q. The imposition of the duty after the Reciprocity Treaty was liked very much by your people; they found it a very good thing, and it contributed to the prosperity of the fishing interest?—A. I don't think it injured them any.

Q. Which are the chief fish-houses in Halifax?—A. Reuben I. Hart, Allan H. Crowe, Robert Boak & Sons, James Butler & Co., John Taylor & Co., Bremner & Hart, James F. Phelan & Co., George P. Black, F. D. Corbett & Co., J Taylor Wood, M. C. Morgan.

Q. Does Mr. Morgan do a pretty large business?—A. He buys a great deal here.

Q. Is it not a leading house?—A. I don't know about its being one of the leading houses. There are also A. G. Jones & Co., Levi Hart, W. E. Boak, Lawson, Harrington & Co., Daniel Cronan, West & Bordon, J. T. & A. W. West, John Taylor & Co.

Q. Is there a man named Glazebrook?—A. He is only a vendor of fish, who buys from the fishermen and sells in the market.

Q. Who is William Hays?—A. Another of these men.

Q. And Mr. Beazley?—A. A fish merchant who sells in the city, and buys salmon in the spring and sends it to the States.

Q. Are we to understand it is your opinion that all the mackerel, so far as you know, are caught inshore, except occasionally?—A. Yes, that is my opinion.

Q. Do you know anything about Bank Bradley?—A. No, I don't.

Q. Do you know where it is?—A. I never heard of it.

Q. You have heard of the Magdalen Islands?—A. Yes.

Q. Were you ever there?—A. No.

Q. Do you know where they catch fish there?—A. They take them inshore—all inshore.

Q. And in regard to the Gulf of Saint Lawrence, you think the Americans never catch mackerel in the body of the gulf?—A. No, that would be impossible I think.

Q. When you speak of the bay to what do you refer?—A. I have reference to Bay Chaleurs, and about Gaspé and Shippegan.

Q. Where do they catch mackerel at Gaspé?—A. They do not catch much mackerel at Gaspé. They generally catch cod there. The mackerel is principally caught off Prince Edward Island.

Q. What is the size of Prince Edward Island?—A. I don't know.

Q. Do you know the length of the north coast within 50 or 100 miles?—A. I don't know.

Q. Did you ever make a fishing voyage yourself?—A. No.

Q. Do you know anything about the use of seines for catching mackerel?—A. No, I never used them.

Q. Personally you never used a hand-line except for amusement?—A. No, except for the fun of the thing.

Q. You don't know anything about seine fishing?—A. No.

Q. You don't know whether, when seines are used, vast quantities are taken?—A. They catch mackerel with seines at Prospect.

Q. Where is Prospect?—A. 25 miles from here, westward.

Q. Do you know if seining for mackerel is chiefly done inshore?—A. It must be done inshore or pretty near the shore. All that is done about here is inshore.

Q. Why must it be done inshore?—A. They generally shoot them about the coves.

Q. You don't mean purse seines?—A. I don't know anything of purse seines. I have only heard of them.

Q. Your personal information, then, is all eighteen years old?—A. I have always been in communication with fishermen.

Q. There is here no merchants' exchange, except as the name of reading-room?—A. There is a stated exchange; they meet there every day.

Q. It is a private reading room, with subscribers?—A. They meet at a stated hour every day—twelve o'clock.

Q. How long is it since they began to meet regularly at noon?—A. They made another commencement this week.

Q. It is rather a lingering affair; it has not been what you call a really prosperous institution?—A. The people don't happen to go into it very well. They meet at the insurance offices and the banks, and they don't fall into the thing very well.

Q. Then, although you are secretary of the chamber of commerce, that is not a very large portion of your business?—A. No.

Q. You would not make much of a living out of the office?—A. No. If it pays expenses that is all I care about.

No. 54.

JOHN DILLON, fish merchant, and formerly fisherman, residing at Steep Creek, Strait of Canso, Guysborough County, Nova Scotia, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe :

Question. You were formerly a resident at Whitehead, I believe?—Answer. Yes.

Q. And your father kept the light-house there?—A. Yes.

Q. For how many years, do you recollect?—A. The light-house was built in 1857, I think. My father took charge of it and kept it until his death, nine years ago, when my brother took charge, and has it yet.

Q. When did you remove from there?—A. It will be two years in December next.

Q. You have been doing a small business in the Strait of Canso since?—A. Yes.

Q. And you happen to be now in Halifax getting supplies?—A. Yes.

Q. Do you know Mr. John Maguire?—A. Yes.

Q. He was here and gave evidence before the Commission?—A. Yes.

Q. Did you see him before he came up?—A. Yes.

Q. And were at his place after he returned?—A. Yes.

Q. Did you see some American fishing vessels in the strait before you came up here?—A. Yes.

Q. Some vessels that had gone home and come back?—A. Yes.

Q. Do you know about how many?—A. There were three I am sure of which had come back. I only know the name of one.

Q. Did you converse with the people on board?—A. Yes.

Q. Had they gone home with full fares?—A. Yes, I understood from them they had had full fares.

Q. They returned and are out in the bay fishing for the second trip?—A. Yes. There is one at Maguire's wharf, which returned after he was here to give evidence. The schooner is called Eastern Queen.

Q. Did Mr. Maguire find that vessel there when he went home?—A. I think two or three days afterwards.

Q. A day or two after he returned home he found this vessel on its way back to the States; to what port did she go?—A. To Gloucester.

Q. This was the Eastern Queen?—A. Yes.

Q. How long had they been in the bay?—A. About a week, I think.

Q. These three vessels, to your own knowledge, have gone home this season with full fares, and come back to fish here again?—A. Yes.

Q. Did you learn from them how the fisheries were on their own coast this year?—A. I understood that fish were pretty scarce on their own coast, thus causing them to come down here to the bay.

Q. You have no wharf of your own, and you do not trade with the Americans yourself?—A. No.

Q. You simply trade with the country people?—A. Yes; that is all. Formerly, at Whitehead, I traded with and furnished bait and ice to American vessels.

Q. Were they codfishing vessels?—A. Yes.

Q. Were you fishing there?—A. I fished one season.

Q. Was that in 1867?—A. Yes.

Q. Were you on a large or small vessel?—A. I was on a small one.

Q. Was she an American vessel?—A. Yes.

Q. Were you mackerel fishing?—A. Yes.

Q. Do you know anything about any man-of-war being on the coast at that time?—A. Yes.

Q. Was this vessel after you at all?—A. Well, these vessels were not after us exactly.

Q. Were they after vessels which violated the treaty?—A. I suppose that was what they were for.

Q. Was your captain at all anxious in this regard?—A. Yes.

Q. Did you keep out of the way of those vessels?—A. We used to keep on the lookout for them.

Q. Why?—A. In order to save our vessel and what was in her.

Q. What was the name of this American vessel?—A. The Swan.

Q. What was the captain's name?—A. Rich.

Q. You kept on the lookout for that man-of-war?—A. Yes.

Q. How did you distinguish her?—A. I do not know as I could myself exactly state how this was done.

Q. Perhaps you were not on the lookout for her?—A. No, I was not.

Q. Who was the person on board of your vessel that was able to distinguish her?—A. The captain and some three or four others.

Q. Did the captain know what vessel the steamer was?—A. He knew that she was a man-of-war.

Q. And you say that he kept out of her way?—A. Yes.

Q. Why did he do so?—A. For fear of being taken if he was found fishing inside of the limits.

Q. Were you working on shares?—A. Yes.

Q. Were you also not afraid of the vessel being taken?—A. I was, certainly; but I had nothing to be afraid for, save only my time. The captain owned part of the vessel, and I suppose that this made him more anxious than the rest of the crew about the vessel.

Q. Where did you catch your fish?—A. Off Port Hood and Margaree.

Q. How far from the shore?—A. Some days we fished within one mile of the shore.

Q. Why did you not catch all your fish out in deep water, beyond the limits, and then you would not have been afraid of any vessel?—A. We could not get any fish out there.

Q. Within what distance of the shore did you catch your fish?—A. We caught the heft of them not farther off than a mile and a half from the shore.

Q. And where did you secure the balance?—A. Some of them we got farther out.

Q. Were you always on the lookout for the steamer mentioned, from the time you went out to fish until you obtained your fare?—A. We were.

Q. During the whole time this was the case?—A. Yes; while we were fishing inshore.

Q. Did you from time to time get reports respecting the position of

this steamer?—A. We used to understand that she was most of the time about Prince Edward Island.

Q. You used to find that out from other vessels?—A. Yes; there were other vessels which fished inshore as well as our own. We were not the only ones who did so.

Q. To what nationality did these other vessels belong?—A. They were principally American vessels.

Q. Schooners?—A. Yes.

Q. Did they fish in the same place where you did?—A. A great many of them did so.

Q. Were they on the lookout like yourselves?—A. I should think so; they had the same cause to do so.

Q. Where did they get the most of their fish?—A. Inshore, the same as we did.

Q. This was the only year when you were out fishing?—A. Yes.

Q. And you were on an American vessel, and only out for one trip?—A. That is all.

Q. What was the size of this vessel?—A. About 40 tons, I think; I cannot speak positively on this point.

Q. Were you born at Whitehead, and did you live there until you went to the Strait of Canso?—A. I was not born, but I lived there.

Q. Did you live there from an early period in your life?—A. Yes; I was pretty young when I went there in 1857.

Q. And you lived there until you went to the Strait of Canso?—A. Yes.

Q. Where did you come from to that place?—A. The town of Guysborough.

Q. And as far back as you can recollect, from the time when you went to Whitehead, did you see these American vessels passing?—A. Yes; I have so seen them during the whole time that I lived there and ever since I can remember.

Q. In what numbers did they pass?—A. I am sure that I have seen as many as 200 sail, at least, passing during one day; but, of course, this was not very often.

Q. These vessels were passing your coast?—A. Yes.

Q. And would you constantly see them passing during the fishing season?—A. Yes; but not always in the number I stated.

Q. Would you see them when they first came on the shore, coming up towards the strait?—A. We would constantly see them, whether they were coming up or going down.

Q. And you recollect having seen 200 American vessels passing in one day?—A. Yes.

Q. How would you know that they were American vessels?—A. We could always tell very easily by the appearance of the vessels whether they were Americans or coasters; we could do so by the look of the vessels and their sails. American vessels are of a very different build from our coasters.

Q. Down to what period were you in the habit of seeing them pass there?—A. They would come on the coast about the last of March, and then we would constantly see them passing until November—along about the 20th of that month.

Q. Were you in the habit of seeing and conversing with persons who were on board of these vessels?—A. At Whitehead? Yes.

Q. And constantly?—A. Yes.

Q. Did you ever see any American vessels anchored in any of our harbors?—A. I did at Port Hood, the year I was there.

Q. How many did you see?—A. We judged that there were 300 in the fleet which was at that place.

Q. Was that considered to be the whole of the American fleet then in the bay?—A. No.

Q. What proportion of this fleet was it?—A. It would not be one-half of it. There would be a lot of them up at Prince Edward Island and the Magdalen Islands.

Q. Was this the opinion of the Americans themselves?—A. Yes.

Q. What would you think would be a fair average per trip for their catch?—A. This would depend on the size of the vessels and the number of the men on board.

Q. Would they usually take full fares, or was this unusual?—A. They usually obtained full fares.

Q. Each trip?—A. Yes.

Q. How many trips a season have you known them to make?—A. Four is the greatest number I have known.

Q. Where would they take the mackerel which they caught?—A. They generally send two trips home, and go home with a trip themselves in the fall, when through fishing.

Q. How many would they take home when they made four trips?—A. I think that one vessel which made four trips took two of them home.

Q. What was her name?—A. I do not exactly know it.

Q. How do you know anything about her?—A. I know of her through hearing of her in the Strait of Canso.

Q. Did you see the vessel yourself?—A. No.

Q. How did you learn anything about her?—A. I did so from men who had been on board of her.

Q. How long ago was this?—A. I think that it was in 1868, or about there.

Q. And the American vessels which came to fish in our waters usually filled up every trip?—A. Yes.

Q. And it was an unusual circumstance, when this was not the case?—A. Yes; in those years.

Q. How many trips a season would the majority of the American vessels make?—A. About three.

Q. How many trips would they carry home themselves?—A. I think none save the last trip in the fall.

Q. Have you seen as many American fishing-vessels on the coast recently as formerly?—A. I think that there are as many as used to be the case on our coast this year.

Q. What has been the case previous to this year?—A. During the last two years there were not so many as there are this year.

Q. Have the American fishermen told you that their own fisheries were not good this year?—A. Yes.

Q. I understand you to say that you did business before you went to the Strait of Canso?—A. Yes; at Whitehead.

Q. For about how many years did you do business there?—A. About five. I kept men fishing besides.

Q. Were you in the habit of seeing American fishermen at that time?—A. Yes.

Q. Who bought bait and ice from you?—A. The Americans.

Q. American cod-fishers?—A. Yes.

Q. How often during the season would they come in from their fishing grounds for bait?—A. On their way down from Gloucester, quite a number of them called in there; they obtained more of bait than of

ice; some would require ice when coming from home, and others would not; but all would then want bait.

Q. How long did they remain on the fishing grounds before they came back to refit?—A. Some ten days.

Q. And would they then return to the grounds?—A. Yes.

Q. And would they come in again after about the same length of time as you have mentioned had elapsed?—A. Yes; they did so until they had obtained their trip.

Q. What would they do with their fares?—A. These they took home.

Q. Where would they go when they took their fares home?—A. To Gloucester, I suppose.

Q. Would they come back again to the fishing grounds?—A. Yes.

Q. When you spoke of the number of trips, I understood that you referred to mackerel-fishing vessels?—A. Yes.

Q. And when fishing for cod they would return to the grounds?—A. Yes; unless cod-fishing vessels were preserving their fish fresh in ice, they would not make four trips during the summer season. These vessels are generally large, and they come up to remain a couple of months or so at a time.

Q. How many trips would they make for cod?—A. Usually about three.

Q. And how often each trip did they come in for bait?—A. Some vessels may so come in from six to eight times during a trip.

Q. For bait and ice?—A. Yes.

Q. They would not come in that way often?—A. No; some would not come in more than 3 or 4 times.

Q. A trip?—A. Yes; some vessels fish between Sable Island and Whitehead, and they come in frequently for bait and ice.

Q. These vessels are within a few hours' sail of the place?—A. Yes; between Sable Island and Whitehead lies what is called the Middle Ground.

Q. About how many cod-fishing vessels would procure bait and ice at Whitehead alone?—A. Scarcely a day passed from the time when they came on the coast in the spring, until, say, the 20th of November, or the middle of November, but there were from 3 to 20 vessels in for that purpose.

Q. You refer to cod-fishers alone?—A. Yes.

Q. Is this also the case at the place where you are now, at Maguire's wharf? Do cod-fishers resort there?—A. Yes, but not for bait. This is a place where bait is not taken.

Q. For what purpose do they come there?—A. For other supplies.

Q. Are you acquainted with any other place where they obtain bait?—A. Yes; they get it at Canso, Little Canso, and St. Peter's.

Q. Do American vessels so come in there in as large numbers as at Whitehead?—A. I think so.

Q. Did the Americans consider it necessary, in order to make successful fishing voyages, to come inshore for mackerel?—A. Yes. I know that the captains who got bait at Whitehead were very uneasy while their vessels were laying there, for fear that the cutters would fall in with them.

Q. During the period you so supplied them, the captains were very uneasy?—A. Yes; I am positive about that.

Q. Why was this the case?—A. They feared lest the cutters would come in and seize their vessels.

Q. And still they ran the risk?—A. Some did so, and some laid to off

the coast, sending dories in among the fishing boats, and buying bait from the fishermen.

Q. Was it their practice to purchase or catch bait at that place?—A. Some of them set nets and caught bait; but as a general thing they did not do so.

Q. Of what period are you now speaking?—A. I am referring to the last six or seven years.

Q. Of what vessels were the Americans afraid when they were obtaining bait?—A. They were chiefly afraid of Captain Tory.

Q. What revenue cutter did he command?—A. I think he was on a vessel named the *Ida E.*

Q. Did he capture any American vessels?—A. Yes.

Q. Where?—A. He did not do so at our place, though he came very near it. I do not know whether he was aware of this fact or not.

Q. Would you have any conversation with Americans when they saw the risk to which you have alluded or sent in dories for bait?—A. Yes.

Q. Would they admit to you that they were then committing illegal acts?—A. Yes; some of them did so.

Q. Did you ever mention these circumstances to Captain Tory?—A. No; I did not. I never but once saw Captain Tory when in the service.

Q. Did you mention them to any one?—A. No; the inhabitants and fishermen generally were acquainted with them as well as myself.

Q. Was it understood that these people would keep dark about it? Were they friendly to the Americans?—A. The most of them were friendly to the Americans.

Q. Would they be likely to mention those facts to Captain Tory or others?—A. I dare say that there might be some among them who would have done so.

Q. How did you know that the Americans were afraid of Captain Tory or of any one else?—A. I have heard them say that this was the case.

No. 55.

THURSDAY, *September 6, 1877.*

The Conference met.

MARSHALL PAQUET, farmer and fisherman, of Souris, P. E. I., was called on behalf of Her Britannic Majesty, sworn, and examined.

By Mr. Davies:

Question. Are you a native of Prince Edward Island?—Answer. I was born there.

Q. Are you acquainted with the fishing business?—A. Yes.

Q. How long have you been acquainted with it?—A. From 1860 up to the present time.

Q. When did you enter the fishing business?—A. In 1860.

Q. Did you fish on board of an American vessel that year?—A. Yes; I was on the *Morning Star*.

Q. Where did she hail from?—A. Castine, or North Haven, Maine. The vessel sailed from Castine, but was owned, I believe, in North Haven.

Q. Do you remember her captain's name?—A. It was Frank Thomas.

Q. Where did you go to fish in 1860?—A. In the bay, and the Bay of Chaleurs.

Q. You mean the Gulf of Saint Lawrence?—A. Yes.

Q. What did you catch that season?—A. We caught about 450 barrels of mackerel.

Q. How many trips did you make?—A. Two. I shipped from Souris, P. E. I.

Q. Do you remember how many sail of American vessels were then in the bay?—A. Yes; there were about 500.

Q. Did you go fishing next year?—A. I did not fish for mackerel the next year.

Q. Did you go fishing in 1862?—A. Yes.

Q. In what vessel?—A. The Maria W. Dodger, of Gloucester.

Q. What was the name of her captain?—A. Joshua W. Dodger.

Q. How many trips did you make?—A. Two.

Q. How many barrels of mackerel did you catch?—A. About 475, I think.

Q. Were there many American vessels in the bay that year?—A. Yes; a good many.

Q. How many?—A. About 500.

Q. Was your catch that year above or under or about the average?—A. It was a little above the average.

Q. Do you consider that 450 barrels would be the average that year?—A. I think that 400 barrels would be over the average.

Q. I refer to the catch for the season?—A. The average would be over 300. I could not give it exactly.

Q. Do you know what it really was? Did you take steps to inquire particularly with reference to it?—A. No, I have not.

Q. Did you fish in 1863?—A. No, not in a vessel. I was boat-fishing that season.

Q. What did you do in 1864?—A. I then shipped from Gloucester in the schooner S. A. Parkhurst, Captain George Smith.

Q. What did you take that year?—A. 950 barrels of mackerel.

Q. In the Gulf of St. Lawrence?—A. Yes.

Q. How many trips did you make?—A. Three.

Q. Then you must have transshipped?—A. We landed two trips in the Strait of Canso, and shipped them.

Q. Were there many American vessels in the bay that year?—A. Yes, a great number.

Q. How many were there?—A. Over 600, I think.

Q. Was your catch of 950 barrels that year about, or over, or under the average?—A. I think that it was a little over the average.

Q. In what vessel did you go in 1865?—A. I was for a short time in the schooner Jane, of Souris, P. E. I.

Q. What else did you do that year?—A. I was boat-fishing.

Q. But you went for a little while in the schooner Jane?—A. Yes.

Q. Did you go fishing in any vessel in 1866?—A. Yes; I was in the schooner Lettie, of Charlottetown, P. E. I.

Q. What did you take in her?—A. 550 barrels.

Q. Were there many American vessels in the bay in 1866?—A. Yes, a great many.

Q. At what number would you put them?—A. I could not give any different number for this year than for previous years.

Q. There were then about 600?—A. There were 500 or 600 in the bay.

Q. Did you go fishing on a vessel in 1867?—A. No; I then, and afterwards, fished in boats.

Q. I understand that during 1860, 1862, 1864, 1865, and 1866 you fished in vessels in the bay?—A. Yes.

Q. And that three of these vessels were American bottoms?—A. Yes.

Q. I now want you to tell the Commission what proportion of the mackerel caught in these vessels during the years you were fishing in

the Gulf of Saint Lawrence were taken within three miles of the shore?—A. I would say that fully three-quarters of our mackerel were so taken.

Q. Do you think that you can be at all mistaken about this?—A. Taking every year into consideration, I do not think that this is possible. In 1864, I think I may say that seven-eighths of our 950 barrels of fish were taken within three miles of the shore; yes, and perhaps within two miles of it.

Q. Then, taking the whole of your fishing experience into consideration, you would say that at least three-quarters of the fish were caught within three miles of the shore?—A. Yes; that at least.

Q. Will you kindly state in what portions of the bay you fished? Did you fish much about Cape Breton?—A. Yes.

Q. Whereabouts?—A. Near Margaree, Cheticamp, Broad Cove, and Limbo Cove.

Q. As to the shores of Cape Breton, am I right in saying that all the fish are taken within three miles of the coast?—A. All I ever saw taken there were so caught.

Q. I understand that a large portion of the fish there is taken within one mile of the shore. Is that a fact?—A. Yes; we got one trip, in the S. A. Parkhurst, perhaps within half a mile of that shore.

Q. At what distance from the Cape Breton shore would you state in evidence that the fish are, as a rule, taken?—A. As a rule, they are caught within $1\frac{1}{2}$ miles or 2 miles of it.

Q. About what parts of Prince Edward Island have you fished?—A. I have fished all around it, on the northern and southern parts.

Q. You have chiefly fished, I believe, on the north and east of the island?—A. Yes.

Q. At what distance from the shore are the fish taken off Prince Edward Island?—A. Well, between $1\frac{1}{2}$ and $2\frac{1}{2}$ miles of it.

Q. Are there a very large number of boats engaged in the prosecution of the fishery along the shores of Prince Edward Island?—A. Yes; a great many.

Q. Do they all take their fish within 2 or 3 miles of the shore, or do they go out beyond this distance to fish?—A. I do not think that any boats fish for mackerel outside of two miles from the coast.

Q. And from year to year while boat fishing, have you seen vessels fishing there?—A. Yes.

Q. Do American vessels come inside of three miles from the shores of the island to catch fish?—A. Yes; they come among the boats.

Q. Is their presence among the boats a benefit or an injury?—A. It is decidedly an injury.

Q. Have you fished along the west coast of New Brunswick?—A. Yes.

Q. Are the fish caught within about the same distance from the shore there as is the case off Prince Edward Island?—A. They are there taken about $2\frac{1}{2}$ or 3 miles from the shore, in shoal water.

Q. I understand you to say that you have fished in the Bay of Chaleurs?—A. Yes.

Q. Did you do so for more than one season?—A. I fished there one season in particular.

Q. Were you there afterwards?—A. I was there during three years.

Q. Will you kindly tell the Commission where the fish are taken after you get into the Bay of Chaleurs?—A. They are caught off Shippegan, Caraquette, and the coves along the coast.

Q. I speak especially with reference to distance from the shore?—A.

They are taken within one and a half miles, and sometimes within half a mile of the shore.

Q. And not in the center of the bay?—Not as a general rule, though a few may be caught there. Usually they are taken close to the shore.

Q. How far from the shore are they taken above the Bay of Chaleurs, along the south side of the river St. Lawrence?—A. Perhaps within 150 yards of it.

Q. I understand that all the mackerel taken on the south side of the Gulf of St. Lawrence are obtained within one mile or two miles, at the outside, from the shore; is that the case?—A. Yes; it is the fact.

Q. Have you fished near Seven Islands?—A. No.

Q. Have you fished at all, or tried to fish, on Banks Bradley and Orphan?—A. Yes.

Q. Perhaps you will tell the Commission what was the result.—A. I was there in the schooner Morning Star, and we remained on Banks Bradley and Orphan for five or six weeks—this was in 1860—but we got no mackerel worth mentioning. We did not catch two barrels during the whole five or six weeks.

Q. What did you then do?—A. We ran over to Prince Edward Island, close to North Cape, and fished. We got 450 barrels of mackerel that season between the West Shore and Prince Edward Island.

Q. Have you had any conversation with American captains with respect to these fisheries and where they catch the fish?—A. I have heard them talking. There is the year 1866. I knew different captains from Gloucester, and would meet them and ask them how they got along and how many mackerel they caught, and they would say they did very well every chance they got to go inshore, but it was no use outside, they could not get any mackerel. I believe that was in 1866.

Q. Was it 1866, 1867, or 1868?—A. 1866, I think.

Q. Was it after the treaty expired?—A. Yes.

Q. Do you remember the cutters being present for the protection of the fisheries?—A. I do.

Q. Can you state to the Commission what effect their presence had on the American fleet catching mackerel?—A. Wherever the cutters would be the fishermen would not fish inside the three miles at all.

Q. Would they evade the cutters?—A. Yes.

Q. How?—A. They would run away.

Q. Then the presence of the cutters did not result in keeping them clear altogether?—A. By no means.

Q. You can't be sure about the year this took place, but you say it was after the treaty expired?—A. O, yes.

Q. Have you had any conversation with the American captains with respect to these cutters?—A. I had. They said they could not do anything while they were round. It was no use. There was no fish except round the shore, and all they could do was to get a chance to fish when they were out of the way.

Q. Suppose you heard an American captain say he caught seven-eighths outside and that the inside fishing was no good.—A. I would not believe him.

Q. Could any American vessel catch a fare of mackerel if she was absolutely prohibited from coming within three miles?—A. Not in my opinion.

Q. Have you any doubt?—A. They could not get any at all.

Q. There is no doubt about that?—A. They might get a few, but not a trip.

Q. I believe some catches have been made on Banks Bradley and Or-

phan?—A. They have in 1858 and 1859. I had a brother in the Morning Star, the same vessel I was in in 1860. He got two trips there that year on Bradley; that was in 1858 or 1859.

Q. Is that a rare thing?—A. It is very rare.

Q. And practically, according to your opinion, all the fish are taken within three miles of the shore?—A. Yes.

Q. You have not fished in American waters?—A. No.

Q. Do you know of any of our vessels going there?—A. I have of one. Her name was the Lettie.

By Mr. Foster:

Q. Where have you taken mackerel more than three miles from the shore?—A. I can scarcely tell you. I have taken them on Green Bank and off Magdalen Islands.

Q. More than three miles from shore?—A. Yes.

Q. Any other place?—A. Off Perce. There is a bank there about nine miles off. We get some fish there sometimes.

Q. What other places?—A. We get a few between the Magdalen Islands and Prince Edward Island; not a great many, but we might get a few as we go across.

Q. What other places?—A. We have caught them between Cape George and Souris. We have caught a few there on what we call Fisherman's Bank.

Q. How far out?—A. About ten miles. (Witness points to the place on the map.)

Q. Now are there any other places?—A. On Bradley Bank; I have caught two barrels of mackerel there.

Q. That was in 1860?—A. Yes, sir.

Q. It was the year before, or two years before, that your brother was in the same schooner which made two fares?—A. Yes, chiefly off there.

Q. That was the reason why the captain hung so long on that Bank?—A. He was not master of the vessel before then, but he was in the same vessel.

Q. He went back to the same vessel in which he had been successful the year before?—A. Yes.

Q. Is there any other place?—A. In the bend of the island I dare say we get a few on the north shore.

Q. Now, what is the farthest out from the shore that you have caught them at the bend?—A. About five miles, I think.

Q. Are there any other places that you remember?—A. Not that I remember.

Q. In the Bay Chaleurs did you ever take any in the body of the bay?—A. I did, but not outside of three miles.

Q. Then you have told me all the places that you remember where you have ever taken them outside?—A. As far as I can remember.

Q. Have you ever fished with the seine—with the purse-seine—for mackerel?—A. I have helped to heave the seine to catch some mackerel.

Q. In which vessel?—A. It was a seine belonging to the shore.

Q. That was not a purse-seine, was it?—A. They made a purse-seine out of it.

Q. Where did you fish with that?—Right in the cove I belong to.

Q. How large a seine was that?—A. I guess about one hundred fathoms long and eleven fathoms deep.

Q. And you had to have how deep water to use it?—A. I guess we caught 22 barrels in about four and a half fathoms. We hove it twice. We got none the first heave.

Q. Did any American vessel in which you fished have any of these seines?—A. No.

Q. The year sixty-six was the last year you fished in an American vessel?—A. Sixty-four was the last year.

Q. That year you took 950 barrels, which was quite extraordinary. Now, how long were you doing that? When did you begin and when did you end?—A. I left Gloucester the day after the 4th of July—no, the 10th of July, and I left her on the 13th of October.

Q. Those were caught, then, in 3 months?—A. Yes, about that.

Q. Did you go back?—A. No; I left the vessel in the Strait of Canso.

Q. I wonder if you could tell me where you were during the three trips of that season?—A. Chiefly?

Q. Well, perhaps the easiest way would be to give us the course of vessel you took?—A. We fished around the island when we first struck in.

Q. Through Canso?—A. Yes.

Q. You didn't fish about Cape Breton?—A. No; I don't think we hove to there at all.

Q. Why was that, do you know?—A. It was early in the season, and we did not suppose there would be any mackerel there just then. We went up to the bend of the island and fished there about a week, and got about 150 barrels that week, right along from East Point until we got up about Malpeque.

Q. After that week where did you go?—A. We went up to the west shore.

Q. That is the west shore of New Brunswick?—A. It is the east shore of New Brunswick. We fished off there.

Q. Whereabouts?—A. At a place called Pigeon Hill. We didn't go up as far as Miramichi.

Q. How many did you get there?—A. About 100 barrels, I guess. We then went down to Magdalen Islands and got the balance of the trip.

Q. What was the balance?—A. Fifty barrels, about. Three hundred and ten, I think, was our whole fare.

Q. Well, how far off shore did you get them at Magdalen Islands?—A. Close by at Magdalen Islands.

Q. How far off shore on the west shore (that is the east shore) of New Brunswick?—A. I won't say. The wind blew from the westward, and we hove to as close as we could go, and drifted off to four or five miles. When we would get clear of the mackerel we would go in again.

Q. How near?—A. A mile and a half. I don't suppose we would go nearer; it was shoal.

Q. How much did she draw?—A. She drew about twelve or thirteen feet of water.

Q. What vessel was that?—A. The S. E. Parker, Captain Smith. She drew ten or eleven, perhaps twelve feet.

Q. Then she could not go nearer, you say, than a mile and a half?—A. She could, but we would not go too close.

Q. That was your first trip?—A. Yes.

Q. Then where did you go to transship?—A. Port Mulgrave. We landed there.

Q. Then from Port Mulgrave where did you start for your second trip?—A. We caught some down off Cape Breton. I could not say exactly how many. We were going down to the Magdalen Islands, and would heave to now and again. I guess we got 75 barrels before we went down.

Q. How near shore did you get them about Cape Breton?—A. Part of it was—about 25 barrels, the first day we hove to, about three miles off—four miles, I dare say. Then we went inshore, in between Margree Island and the main, and got about 25 barrels more there. Then we hove to farther along, I could not say, about three miles off, perhaps less, perhaps a little more. We got 75 barrels. Then we went down to the Magdalen Islands and finished the trip, all but 25 barrels. We got those close in to Cape Breton, coming back.

Q. How many would it be that you caught at Magdalen Islands?—A. Near 200 barrels there.

Q. Of your second trip you got nearly 200 barrels at the Magdalen Islands, and of the remaining 100 there were two lots of 25 barrels that you are sure were caught inshore?—A. Yes; there was one catch I would not be certain about, but three catches were got inside.

Q. Of those 300 barrels, you got 200 on the Magdalen Islands, and 25 of the other 100 three miles, more or less, off shore?—A. Yes.

Q. What did you do with your fish?—A. We landed at the same place and fitted again.

Q. Then about what time of the year had it got to be when you began the third trip?—A. It would be September.

Q. Where did you go then?—A. The first mackerel we caught then was off Cape George, on the Nova Scotia shore, right close there, in Antigonish Bay and along Cape George.

Q. How many did you get there?—A. 50 barrels the first day. Then we went to Magdalen Islands for a fortnight, and caught no mackerel of any account. Then we returned to Cape Breton and finished our trip there, within half a mile of the shore, I should think.

Q. Now, go back to 1862. You made two trips in 1862, and you got 475 barrels, which you think was above the average catch for that year?—A. Yes; above the average.

Q. Now describe those two voyages. Where did you begin, and at what season did you begin the first trip?—A. We came about the middle of July into the bay. I shipped at Gloucester, I forget exactly what date. It would be the middle of July when we first hove to for mackerel.

Q. Where did you begin to fish?—A. In the bend of the island. We commenced at East Point.

Q. How much did you catch there?—A. Well, we only got small catches right along, only a few at a time.

Q. You were fishing inshore always?—A. Yes; down to Malpeque. We had 70 barrels when we got down to Malpeque in a week, perhaps ten days. We went into Malpeque and started afterward for North Cape. We fished around North Cape two or three days, and caught a few, not a great many.

Q. All the while you were close inshore?—A. No; sometimes we would go off outside, but as a general rule we were inshore.

Q. How many barrels did you get that time?—A. We got 225 or 230 barrels.

Q. Of that 225 barrels, what proportion was caught more than three miles from the shore?—A. Two-thirds of it.

Q. You have probably misunderstood my question. What proportion was caught more than three miles from the shore?—A. About one-third perhaps.

Q. Then that trip you caught one-third outside and two-thirds inside?—A. Yes.

Q. What was the whole catch of the first trip?—A. 225 barrels; about that, I think.

Q. That leaves 250 barrels for the next trip that year. Tell me where you caught those?—A. I caught a few down at Magdalen Islands.

Q. How many?—A. 17 barrels.

Q. Where else?—A. From off East Point, close inshore there, we got 50 wash-barrels, which would make 40 barrels.

Q. That, you say, was close inshore?—A. Yes. The balance we got near Port Hood, on the Cape Breton shore.

Q. Of the balance, how much was taken within three miles, and how much outside?—A. Well, the principal part of the balance was taken within three miles.

Q. Could you make that more definite?—A. Well, I could not say for certain what amount was taken inside.

Q. Tell me as well as you can?—A. Well, I will tell you how it was. We were fishing with the wind off the land, and we would catch a part, a few, outside and part inside. It would be very hard to determine the proportions.

Q. You would not hazard an estimate?—A. I should think that that trip we got at least two-thirds inside of the three miles.

Q. Do you mean that whole trip?—A. Yes, right there.

Q. Now, is it your general judgment, as to the fishing on the north side of Prince Edward Island in fishing vessels, that on an average you catch two-thirds inside and one-third outside?—A. I think two-thirds of the mackerel around Prince Edward Island is caught within two miles—perhaps three-fourths.

Q. That is on the north side of the island?—A. And the south also.

Q. Go back now to the year 1860; tell me where your fishing-trip was that year?—A. The first thing we did that year was to go to Bradley. We were five or six weeks there.

Q. That was the time you had such bad luck?—A. Yes.

Q. Were there many other vessels on Bradley?—A. A few. None of them hung there so long as we did.

Q. There was bad fishing there that year?—A. There was nothing doing. We ran into Prince Edward Island. The first mackerel we caught was near North Cape. We followed them up the northwest side of the island and got to West Point, close inshore. Then we went across on the New Brunswick shore there, between Point Misou and Miramichi.

Q. What was your first fare in 1860?—A. About 220 barrels.

Q. And except a few at Bradley, you say they were all caught off Prince Edward Island?—A. There was a few caught at Green Bank, off Perce.

Q. Well, how many were caught there?—A. Not many; perhaps 30 barrels.

Q. The 30 barrels there, and 17 at Bradley, is 47?—A. Seventeen at Bradley! No, we only got two barrels at Bradley.

Q. Was it at Magdalen Islands that you got 17 barrels?—A. No; that was in 1862.

Q. Well, of that first trip in 1860, of your 200 odd barrels, what proportion in your judgment was taken inshore?—A. I think two-thirds were inshore. Perhaps more. Perhaps three-fourths.

Q. Does that include what you took at the Bank?—A. It takes the whole of the first trip.

Q. Now take the second trip that year?—A. The second trip we fished in the bend of the island.

Q. Altogether?—A. Chiefly. The first three or four weeks we were in the bend.

Q. Where afterwards?—A. At Cape Breton.

Q. Take your second trip. What portion was caught within three miles?—A. Nearly three-fourths, I will say. Between two-thirds and three-fourths were taken within three miles. Perhaps more. Perhaps seven-eighths.

Q. How much water did that schooner draw, the Morning Star?—A. About ten feet.

By Mr. Davies :

Q. I have just one question to ask you. When you speak of a certain portion of your fish being caught outside you have described your mode of fishing to be that you commenced fishing inside and then drifted out, and as you drifted out you say a portion was caught out beyond three miles of the land. But suppose you had been prohibited from going in at all, could you have got those outside?—A. I don't know. I don't think it.

No. 56.

BARNABY MCISAAC, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. Where do you live?—Answer. At East Point, Prince Edward Island.

Q. What is your age?—A. Forty-seven, about.

Q. You have been connected with the fisheries a good deal?—A. Yes.

Q. How have you been connected? Have you been fishing in boats and vessels?—A. In vessels.

Q. Have you fished in many American vessels?—A. A good many.

Q. What year did you commence fishing in them?—A. 1851. I was then in the Bloomfield, from Boston.

Q. Where did you go to catch fish?—A. I went in her on the island.

Q. She was in the gulf?—A. Yes.

Q. That was the year of the great gale; were you caught in it?—A. Yes.

Q. Were you wrecked?—A. Yes.

Q. Where were you wrecked?—A. At Tignish.

Q. Had you caught any fish before being wrecked?—A. She was full the day she went ashore.

Q. That finished the season I suppose?—A. Yes.

Q. Where did you catch those fish?—A. Most of them along the island, from St. Peter's to East Point.

Q. How far off shore?—A. About a mile and a half.

Q. Were there many American vessels fishing there then?—A. A good many.

Q. How many do you mean?—A. I suppose there was four or five hundred sail.

Q. Where were they taking fish, the same as you; that is, a mile and a half from the shore?—A. Yes.

Q. When did you go fishing again?—A. In 1857.

Q. The gale frightened you for the next five years?—A. Well, I don't know. I went then in the C. C. Davies, from Gloucester, Captain in-clair.

Q. Where did you go to catch fish in her?—A. We fished mostly at the islands, Prince Edward and Magdalen Islands.

Q. How many barrels did you catch?—A. 300; about that.

Q. How far off shore?—A. Most of them inshore.

Q. What do you mean by "inshore"?—A. About a mile and a half to two miles.

Q. In 1858, what vessel did you go in?—A. The Ellie Osborn.

Q. How many trips did you make, and what catch?—A. We made one trip and got 250 barrels.

Q. In 1859, what vessel did you go in; the C. C. Davies?—A. Yes; we made two trips that year and got 660 barrels.

Q. Where did you catch those?—A. The first trip we caught them to the northward on the Canada shore, from Cape Rosiere to Ste. Anne, the south shore of the river Saint Lawrence.

Q. Did you get all there?—A. Yes.

Q. How far from the shore did you catch them?—A. I suppose not more than half a mile.

Q. I believe they are all taken there within a mile or a mile and a half?—A. Yes.

Q. The second trip?—A. We caught them mostly along Margaree and Prince Edward Island.

Q. How far off?—A. About a mile and a half.

Q. Those two trips were all taken inshore?—A. Yes.

Q. In 1860, what vessel were you in?—A. L. F. Bartlett, Gloucester.

Q. How many trips?—A. Two.

Q. How many barrels did you get?—A. About 450.

Q. How far from shore?—A. We got 100 barrels to the northward, where we got the others, by Cape Rosiere.

Q. How far from the shore?—A. About a mile.

Q. You made two trips. Where did you take the second trip?—A. Off the Magdalens.

Q. The rest of the first trip you took at the Magdalens?—A. Yes; and the second trip between Port Hood and Margaree.

Q. I have one general question to ask you: How far off do you catch all your fish between Port Hood and Margaree?—A. About a mile and a half.

Q. And when you speak of fishing between those places, you mean always between a mile and a mile and a half?—A. Yes.

Q. In 1861, what vessel did you go in?—A. The same vessel.

Q. How many trips did you make?—A. We made one trip and got 300 barrels.

Q. Where did you catch them?—A. Off about the island, and some at Magdalen Islands.

Q. What proportion did you catch at the Magdalen Islands, how many?—A. I suppose we got perhaps 100 barrels or so.

Q. And the rest you caught at the island?—A. Yes; Prince Edward.

Q. In 1862, what vessel did you go in?—A. The John Soames.

Q. How many consecutive years did you go in her?—A. Six summers.

Q. That would be 1862, 1863, 1864, 1865, 1867, and 1869. You did not go in 1866?—A. No.

Q. What was the captain's name?—A. Hardy. She was from Gloucester.

Q. In 1862, how many barrels did you take?—A. I made two trips and got something over 600 or 640 barrels.

Q. In 1863, how many?—A. The average was about the same.

Q. In 1864, that was the big catch?—A. Yes; we made three trips and got 975 barrels, as nearly as I can give you.

Q. In 1865, how many barrels?—A. I made two trips every year except 1864, and then I made three.

Q. Then you took the same number of barrels every year, except the big fare in 1864?—A. Yes.

Q. Do you know whether any large fares, much larger than yours, were taken that year?—A. Yes; there were large vessels with large crews, that took a good deal more. Some went as high as 1,300 or 1,400.

Q. Now, during the six years you were in that vessel where did you fish? The captain would have some favorite haunt, would he?—A. We fished mostly all over the bay—at the Magdalen Islands, Port Hood, and the island.

Q. When you say "the island," you mean Prince Edward?—A. Yes.

Q. In Bay Chaleurs?—A. No, never except one year.

Q. What proportion did you catch within?—A. About two-thirds.

Q. Were you accustomed to fish in the usual way coming inshore and then drifting offshore, and carrying the fish with you?—A. Yes.

Q. The fish would drift off, and you would go sometimes beyond the three miles?—A. Yes.

Q. Did you get a good price for your fish during that time?—A. Some years a very good price.

Q. What would you make on board one of those vessels in a year?—A. \$200 or \$300. Some years more. \$510 was the most.

Q. What price did you get for the mackerel; do you remember?—A. I could not say. Some years as high as \$18, \$15, or \$14.

Q. I am speaking now of those years you were in this one vessel. You say you got two-thirds inshore?—A. Yes.

Q. Were there large numbers of the American fleet there then, during those years?—A. Yes.

Q. What would you put them at?—A. Some years I suppose there were seven hundred or eight hundred sail.

Q. Was your experience a fair average experience of the vessels? Was the catch of the vessels you were in a fair average for the rest?—A. Yes.

Q. Did they catch their fish, as far as you could see? The vessels within your sight, were they fishing in the same waters with you?—A. They were.

Q. You say about two-thirds were taken inshore?—A. Yes.

Q. Well, after this long spell that you remained in the John Soames, you come down, I think, to 1870; what vessel did you go in then?—A. The George P. Rice, from Gloucester.

Q. How many barrels did you get?—A. 250.

Q. Did you spend the whole season in her?—A. No.

Q. Where did you go then?—A. I went in the Restless.

Q. How many barrels did you take in her?—A. About 250.

Q. That would be about 500 for the season?—A. Yes.

Q. Where were those taken, take the Restless first?—A. We caught, on our last trip, about North Cape and Malpeque, in Prince Edward Island.

Q. And the first trip?—A. We got about half at Magdalens, and the other half off the island.

Q. Of those caught off the island, what proportion were taken inshore?—A. Most of them inshore.

Q. About the same as before?—A. Yes.

Q. You mean to say that three-fourths of them were caught inshore?—

A. Yes.

Q. Are you satisfied with that?—A. Yes, I am.

Q. Take 1871; what vessel did you go in?—A. The Thomas Fitch, from New London, Conn.

Q. Did you make more than one trip?—A. One trip.

Q. How many barrels did you catch?—A. About 300.

Q. Where did you catch them?—A. Most of them off Malpeque, and between North Cape and West Cape.

Q. How far offshore?—A. About a mile and a half or three quarters.

Q. Were you fishing in 1872? If you cannot recollect, can you recollect 1873?—A. I was in the Eunice P. Rich, Boston.

Q. How many trips did you make in her?—A. Only one.

Q. How many barrels?—A. 500 barrels.

Q. Where?—A. Along the island, Prince Edward, and along the west shore.

Q. How far off the shore?—A. About a mile and a half from the shore.

Q. In 1874, what vessel did you go in?—A. The Freedom, from Gloucester, Captain Hiltz.

Q. How many trips?—A. Two.

Q. What was her tonnage?—A. She was 47 tons.

Q. She was very small, then?—A. Yes.

Q. How many would she carry?—A. She would not carry much over 200 barrels.

Q. What fares did you catch?—A. We got 300 barrels in the two trips.

Q. You caught very nearly your fare, then?—A. Yes.

Q. Where did you fish for those three hundred barrels?—A. Most of them around Malpeque and Cascumpec, close in.

Q. How far do you mean by that?—A. About half a mile. We could not get close enough to catch them in the eel-grass.

Q. You would like to have been closer?—A. Yes.

Q. Then to sum up, from 1851 to 1874, except one or two years, you have been fishing every year in American vessels in the Bay St. Lawrence; can you give us an idea what the average number of the fleet was during those years, somewhere about it?—A. There was a large fleet in there at times. I suppose it would average from five to six hundred.

Q. Now, can you tell me, just running over the whole number of years you have been fishing there—I don't speak of any one special trip or year, but as to the whole number—what proportion did you catch within three miles of the shore?—A. I think I am safe enough in saying that we got two-thirds of them inshore.

Q. Would not you be safe in saying more than that?—A. I don't know. I will say that.

Q. You will swear to that many?—A. Yes.

Q. Were the other vessels fishing the same way?—A. Yes.

Q. Suppose an American captain were to say that the inshore fisheries were no good, and that all the fish were caught outside, what would you say?—A. I would say it was false.

Q. Now as to boat-fishing. You have been fishing in boats since then, have you?—A. I have this summer, that is all.

Q. How is the fishing this summer? Are there many mackerel there?—A. There are a good many mackerel there.

Q. Have the Americans come down to our coast much?—A. Yes; a good many seiners.

Q. Have they injured the boats a good deal?—A. The mackerel come close in, and they come in and lee-bow the boats.

Q. They are close in this year?—A. Yes; about a mile or a mile and a half.

Q. And they come in and injure you?—A. Yes.

Q. Have they got any catches?—A. Some of them that came in first have. Some took 180 barrels a day right inshore.

Q. Are there any fish outside for them to catch, in deep water?—A. No; they can't get any in deep water.

Q. You transshipped some of your fish, I believe?—A. Yes.

Q. Could you have made those three trips you spoke of without transshipping?—A. No.

Mr. DANA. That is not material.

Q. The boats are making pretty good catches?—A. Yes; very good.

Q. I don't know whether you know anything about cod-fishing or not?—A. No, I don't know anything about that.

By Mr. Dana:

Q. When a vessel goes near the shore and throws over bait and drifts off with the wind into deep water, beyond three miles of land, you consider all the fish she catches after she has got outside is caught inside, don't you, because they have toled them off?—A. Yes; they take them off, of course.

Q. Well, are you always certain that the fish they catch outside are toled off by them from inside?—A. I could not be positive. Of course there are mackerel in deep water, but very often they do carry them off in that way.

Q. At all events, if they come in and throw overboard their bait and drift outside, whatever is caught outside you call an inside catch, because they toled them off?—A. Yes, they do.

Q. And that is the way you made up your account? (No answer heard.)

Q. Now, you have had a long experience as a seaman; is it difficult in certain states of the atmosphere, and on certain kinds of coast, to determine the distance at sea exactly?—A. I don't know what to say.

Question repeated.—A. Of course there are places where the land is high, and it is pretty hard to tell, but where the land is low a person can easily tell the distance he is off.

Q. Does it not depend also upon the weather, and if there are any objects like trees or houses on the land?—A. Yes, sir.

Q. The state of the atmosphere makes a great deal of difference, does it not?—A. Yes.

Q. Don't you know that on land, and still more on water, there are certain states of the atmosphere when a mountain or a hill will seem very remote, and that at other times it will seem as if you could almost touch it. You have experienced that?—A. Yes.

Q. You know there has been a bad catch this year, don't you?—A. O, there are some pretty good catches too. Some of the seiners have done pretty well this summer.

Q. But taking the catch through, you know it is a bad one this year?—A. Yes.

Q. Have you known any Americans go home with a full freight?—A. I heard of some going home; I don't know whether they had a full freight or not.

Q. You don't know whether they went home dissatisfied or not?—A. I could not tell.

Q. This year, then, the catch you say has not been good?—A. Some have done pretty well.

By Mr. Davies:

Q. Do you mean to say that the boat-catch has been bad?—A. O, the boats have done well.

Q. Are the prospects for the season good or bad?—A. Good.

Q. For boats?—A. Yes.

Q. And the mackerel season yet lies before you?—A. Yes.

Q. As regards the difficulty of telling the distance, have you any such difficulty off the coast of Prince Edward Island?—A. There is no difficulty.

Q. You always can tell, as an experienced man, how far off you are?—A. Yes.

Q. There is no difficulty at all?—A. No.

Q. Now, with respect to the mode of fishing, you have explained that you come in to the shore and drift out?—A. Yes.

Q. Well, you catch all your fish in that way?—A. Yes.

Q. You have spoken of two-thirds of your fish being caught inside and one-third outside. Were all your fish caught by coming inshore and drifting?—A. Yes.

Q. Did you catch any in the gulf without coming in first?—A. Perhaps at odd times we would get a spurt.

Q. But do they amount to anything?—A. No.

Q. So that all your fish are caught by coming in and drifting out?—A. Yes.

Q. Well, Mr. Dana asked you a question, supposing you came in and drifted out and kept the fish following you, did you call—

Mr. DANA. I did not.

Mr. DAVIES. That was the question substantially. I will put the question now to you: did you mean when you said that two-thirds were taken inshore to include the fish you caught four or five miles from land?—A. Of course.

Q. Why? Do you understand my question? When you said two-thirds were taken within three miles did you intend in that to include those you got four or five miles out or not?

Mr. DANA. I think this is arguing and threatening both.

Mr. DAVIES. I think not. I think you misled him.

Mr. DANA. I put clean questions to him.

By Mr. Davies:

Q. Explain to the Commission what you meant when you said you believed that two-thirds were taken within three miles of the land?—A. Yes, they were taken two-thirds inside.

Q. Do you mean actually caught within three miles of the land?—A. Inside, of course. Inside of three miles.

Q. Where were the other third taken?—A. They may have been taken outside.

Q. Do you mean to include in that two-thirds the fish that you caught beyond three miles?—A. No, sir.

Q. You gave Mr. Dana to understand, and I so understood your answer to him, that if you came into the shore and drifted out you would call them inshore fish if you caught them, say, four miles out?—A. No.

By Mr. Dana:

Q. You are now indoctrinated sufficiently. You have answered certain questions I put you, and I believe you understood my questions—

A. No, sir; I did not.

Q. Didn't you or did you?—A. No; I did not.

Q. You answered then without understanding?—A. Yes, sir, it appears I did.

Q. Is that so as to all the questions I put to you? Did you understand any of them?—A. I did.

Q. Now, did you understand Mr. Davies' questions?—A. I did.

Q. You certainly understood him the last time he put them, didn't you?—A. I did.

Q. You understood exactly what he meant?—A. I think I did.

Q. Now, I will put you my question again. You say a vessel comes inside and drifts out and toles off the fish; then that if she toles them off beyond three miles and catches them there you consider them as caught inside the line because they were inside the line and were toled outside when they were caught. Do you understand me now?—A. I do.

Q. Well, now, you said you counted those as inside because they were drawn outside by the vessel. Do you say that now, sir?—A. Of course. Those that are caught outside are caught outside, but those that are caught before they went out——

Q. What do you say about those that are drawn outside in that way; do you count them among those caught outside or inside?—A. I count them among those caught outside.

Q. When you speak of one-third being taken outside and two-thirds inside, which you said was a sort of average, did you mean to include among those caught inside those toled out in that way?—A. No, sir.

Q. Now, as to seeing, you told me there was great difficulty in certain states of the atmosphere and of certain kinds of land in determining the exact distances. Now, Mr. Davies asked you whether there was any such difficulty during the mackerel season; you said no.

Mr. DAVIES. I said in Prince Edward Island.

Mr. DANA. Now, does the mackerel season make any difference in your ability to tell where you are? Can you not tell just as well when it is not the mackerel season as when it is? How is that?—A. I don't understand you at all.

Q. Well, I will try you again. In the matter of being able to tell how far off land you are off Prince Edward Island, does it make any difference whether it is the mackerel season or not?—A. No; it does not make any, of course.

Q. Well, do you mean to say Prince Edward Island is one as to which you can easily tell the distance?—A. Yes; the land is low, and a person can tell.

Q. I was going to ask you the reason. You say the land is low. Is that so all along the island?—A. Yes; there may be some places a little higher than others.

Q. How is it off Cape Breton?—A. It is hard to tell there where the land is high; it is very hard.

Q. And off the west coast, I think you call it?—A. The land is high to the west.

Q. But in Prince Edward Island you think the land is low and you are able to tell better?—A. Yes.

Q. That is so everywhere—wherever the land is low you can tell better?—A. Yes.

Q. Is that the view held by all seamen?—A. I should think so.

Q. Well, even with low land in certain states of the atmosphere you would not like to make oath to the exact quarter or eighth of a mile?—A. No.

Q. You can't tell exactly then? You know the difference between one mile and three miles?—A. Yes.

Q. Does it not take some little experience to judge of distances at sea?—A. I suppose it does, of course.

Q. Experience in observing, and that sort of thing?—A. Yes.

Q. Even off Prince Edward Island you can't always tell to half a mile? You could not in certain states of the atmosphere tell whether it was two and three-quarters or three and a quarter miles? You could tell two miles from three miles, or you could tell half a mile from a mile, but when you take a difference of half a mile off three miles from land, of course the farther you go off the less easy it is to distinguish as to half a mile—for instance, between nine and a half and ten miles. How is it as to three miles, even with a flat shore like that, in certain states of the atmosphere you would find it difficult to make oath as to whether it was just three miles or a little more or less?—A. A person could go pretty near it. Even if he could not tell he could go pretty near by soundings.

Q. If he had the soundings he must have a chart?—A. Yes.

Q. He could take soundings if he was stationary, but he has to heave to and come to anchor, and then compare his soundings with his chart. If he did not go through all that, but trusted to his eye, there would be some difficulty in determining in some states of the atmosphere?—A. Yes.

No. 57.

JOSEPH TIERNEY, of Sonris, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You are master of a vessel?—Answer. Yes.

Q. Now fishing?—A. Yes.

Q. How long have you been engaged in the fishing-business?—A. Since 1862.

Q. And have you been master of a vessel long?—A. This year, fishing.

Q. How many years have you been in a fishing-vessel?—A. For the last 16 years.

Q. Fishing around Prince Edward Island and Cape Breton?—A. I was 12 years around Prince Edward Island.

Q. In island vessels or American vessels?—A. All island vessels except one.

Q. What was the name of the American vessel you were fishing in?—A. The Ellen Francis, Gloucester.

Q. How many trips did you make in her?—A. Two.

Q. In what year?—A. In 1872.

Q. How many barrels did you get?—A. 390 barrels.

Q. Where did you take them?—A. Around Prince Edward Island chiefly.

Q. How far off from shore?—A. About a mile and a half to a mile.

Q. During the years you were in island vessels, can you give us the catches you made?—A. About 400 barrels a year.

Q. Where did you catch those fish?—A. A
ere. Prince Edward Island, chiefly.

Q. All within the same distance?—A. Yes; all.

Q. Have you caught any fish in the gulf?—A. I have, some.

Q. Where?—A. Off Bradley and Orphan, and between Magdalen Islands and Cape North.

Q. What proportion of fish are taken out in deep sea, and what proportion inshore?—A. In my experience in the bay, we never got 10 barrels off shore, although I have seen vessels that have.

Q. All the rest were taken within three miles?—A. Yes.

Q. Is that speaking generally of the vessels with which you have been brought into contact, or of which you have accurate information?—A. Yes.

Q. What would be the result as to them?—A. All that I have seen caught their fish inshore. I have heard of some that got good catches off Bradley Bank and Orphan.

Q. You have had fifteen or sixteen years at sea. How many American vessels have been frequenting the bay during the years you were there?—A. Between 400 and 500 sail. That is what I heard, although I never saw them all, of course. They were never always in one place. The most I have seen at one time is 250. We used to hear them give a rough estimate of four or five hundred sail.

Q. What were the average catches?—A. I should say that an average of 500 barrels; that is, up to 1872. Since that I have not been in the bay. I understand it has fallen off.

Q. You can only give information as to when you were there yourself. You were in and out, sailing along the coast of Cape Breton, the West Shore, and Bay Chaleurs, all the time; now tell the Commission where did you see these Americans catching fish, close in or not?—A. Undoubtedly, all in.

Q. They tell me you have some difficulty in telling where you were.—

A. Well, they didn't seem to find much difficulty when the cutters were around. They ascertained within a mile or so then.

Q. Used they to fish inshore notwithstanding the cutters?—A. Yes.

Q. They would run the risk?—A. Most undoubtedly.

Q. Have you seen many at one time?—A. Yes. When they saw a suspicious-looking sail they would run out, and as soon as she was out of the way they would run in again.

Q. Have you any difficulty, then, in judging the distance from the shore?—A. Not the least.

Q. Taking such a shore as that of Prince Edward Island, there is not much fog there, is there much difficulty?—A. No. Any man who has been at sea fifteen or sixteen years can tell within a short distance.

Q. I think I asked you what proportion of the fish you took were caught within the limits?—A. Yes; I should say three-fourths anyhow.

Q. From the information you have gathered from American captains, and from what you have seen of their fishing, what proportion of their fish would you say?—A. Five hundred barrels.

Q. But what proportion of those, in your opinion, are taken within three miles?—A. Well, during the time I have taken I never saw more than 10 or 15 sail in the fleet off shore. Whatever was taken in American vessels was where we got them ourselves.

Q. I believe that on the Cape Breton shore there can be no question about the distance?—A. It is no use going outside of two miles there.

Q. Prince Edward Island is nearly the same?—A. Yes.

Q. Have you been in the Bay Chaleurs?—A. Yes.

Q. Do you catch fish in the body of the bay?—A. No; at the sides.

Q. I don't know whether you have been up as far as Seven Islands?—

A. Yes.

Q. Have you caught much there?—A. No; I have taken a good many on the Shippegan side of Bay Chaleurs.

Q. Have you fished at Magdalen Islands?—A. I have been over there looking for fish. I can't say I fished much. I could not get them. We never found good fishing there. I have heard them talking of good sports there. I never could find them.

Q. No fisherman could pretend that there is the same continuous fishing there that there is around Prince Edward Island?—A. No.

Q. Suppose they were confined to Magdalen Islands and those parts of the gulf that were outside of three miles?—A. There never would be twenty-five sail go for mackerel. They would give it up.

Q. Is this open to question? Could that be disputed by reasonable men? Would you believe any man who swore that the fish were caught outside—if he told you he caught all his fish outside and very few within?—A. I would not dispute it. I have known some few men that did get some outside. They told me so themselves; but if confined to those certain places I don't believe they would go.

Q. Have you ever heard of any Canadian vessel going to fish in American waters?—A. None but one. That was the Lettie, I believe.

By Mr. Foster:

Q. I notice that your average catch was 400 barrels a year?—A. Yes.

Q. You put the average American catch at 500 barrels in 1872. Was the class of vessels you were in smaller than the Americans?—A. They were not so competent to prosecute the fishing business.

Q. You have not been fishing in vessels since 1872?—A. I have been trawling on the Banks for cod, and partly seining for mackerel on the American shores.

Q. How many trips for mackerel have you made on the American shores?—A. Three trips. They were small trips, averaging 150 barrels.

Q. Where did you catch those?—A. Off Block Island.

Q. In what year, 1873?—A. 1874.

Q. I thought you left the gulf in 1872?—A. Yes, but I was trawling next year.

Q. Block Island is pretty near the entrance of Long Island Sound?—A. Yes.

Q. What other fishing did you do?—A. Trawling.

Q. Who was your captain?—A. Charles Muir.

Q. Had you ever been with him before?—A. No.

Q. Who were you with seining in 1873?—A. Saul Jacobs, in the S. R. Lane.

Q. Where did you seine in 1874?—A. Down east. It was late in the fall when I came home from the Banks. We went off Cape Cod.

Q. What luck had you?—A. About 275 barrels. She had been out all the year, but I was not in her.

Q. Take 1875?—A. I did not fish for mackerel in 1875 or 1876.

Q. Now how many times did you have to go the Magdalen Islands?—A. I would probably go four or five times in a season.

Q. Did you ever go with an American captain?—A. Once.

Q. Who was he?—A. Chivarie.

Q. What year?—A. 1872.

Q. Did he have any luck?—A. No.

Q. That is the only time you went to the Magdalen Islands?—A. Yes.

Q. Did you also have poor luck on Bradley and Orphan Banks?—A. I never caught any mackerel. I simply tried there. It lies in our way

Q. Is it within your general knowledge that a good many good fares have been taken at Bradley and Orphan?—A. No; they would be poor fares. I never heard tell of a fare taken there entirely.

Q. Haven't you heard of a good many barrels being taken there at a time?—A. Some few vessels. I didn't see many vessels there.

Q. How many American vessels did you say there were in the gulf in 1872?—A. I should say, by what I have heard, 500 sail.

Q. How was it in 1872, the last year you were there?—A. Not so many—I don't believe there were over 300 in 1872.

Q. Do you think those vessels in 1872 averaged five hundred barrels for the season?—A. No.

Q. What do you think they averaged in 1872?—A. We got about 400. I should say 400 was the average. We did not hear.

Q. Since then you have had no personal knowledge until the present year. How many American mackerel vessels have you seen this year? Tell the number and the names as far as you can.—A. I could not do it. I heard them talk. By what I have seen myself I have not seen over 50 sail in one fleet this year.

Q. When was that?—A. That was about three weeks ago. I spoke some of them; they were going up to Bay Chaleurs and around the island.

Q. How many American vessels have you seen about Prince Edward Island this year?—A. Taking one time and another—they were scattered round considerable, say 20 or 30 at Georgetown, 15 or 20 at Souris—I should say there were 75 when I left home.

Q. There is a liability to count twice, is there not? Do you think there were that many?—A. Yes; around Prince Edward Island.

Q. Are they seining chiefly?—A. No, hooking.

Q. Where are they from?—A. Gloucester.

Q. You could not give us the names of the 75, of course. Can you give us any considerable number?—A. No; I could not give names.

Q. It is within your general knowledge that up to this time they have had no luck?—A. I know that because I have been there, except some vessels. Between the 1st of July and the 10th there were some good hauls with seines between East Point and ten miles down the coast.

Q. Was that close in?—A. Some would not throw their seines, because they were afraid they would lose them on the rocky bottom. They can take mackerel in eight or ten fathoms.

Q. How far from the shore do you have to go off the north side of the island before it is ten or twelve fathoms?—A. In some places you will get ten fathoms within 300 yards. Other places you will have to go a mile and a half.

Q. There is no average about it?—A. No, it is irregular.

Q. But you think you can estimate, in almost any state of the weather, so as to tell within a quarter or half a mile what the distance is?—A. I can always tell it within three miles. I have been often outside of three miles.

Q. You kept in generally?—A. Yes.

Q. Do you think you can tell three miles from three and a quarter?—A. I can tell it by observation if I see the planets, or we can tell it by the depth of the water by referring to a chart.

Q. You can ascertain in that way. But when you are simply looking at another vessel do you think you can judge within half a mile accurately?—A. I can when three miles off shore.

Q. Then you would know whether a vessel was two and a half miles or three miles?—A. Yes.

Q. Could you tell whether she was two and three-quarters or three?—

A. I would not like to say within a quarter of a mile.

Q. Within three miles, or thereabouts, of the shore, you think you can tell within half a mile?—A. Yes.

Q. Now, if you saw 250 sail at once—by the way, when and where was that? Was it in the bay?—A. Those were to anchor in the harbor.

Q. There were not that many fishing. How many were there fishing?—

A. One hundred and fifty, I should say.

Q. Could you judge with accuracy within half a mile where all those 150 lay?—A. Yes.

Q. Where do you say your vessel belonged?—A. To Souris, Prince Edward Island.

Q. Well, now, where was the other place at which you seined mackerel on the American coast; you have given us Block Island?—A. George's Banks.

Q. Any other places?—A. South Channel, between George's Bank and Cape Cod.

Q. How far from shore was that?—A. About five miles off shore.

Q. How far out is Block Island?—A. Only three miles, the nearest part.

Q. But part was more than three miles off the American shore?—A. Yes; most of the fish is taken outside of three miles, on the American coast.

Q. Do you think there is a difference in the habits of fish on the American coast and the Canadian coast, as to where they come in and how far they stay out?—A. I do think so; in the bay they go right up to their spawning waters, right up to shallow water, and coming down they follow the coast.

Q. What do you call the spawning grounds?—A. The shoal waters of the Bay Chaleurs.

Q. You think the mackerel resort to spawning grounds?—A. I do.

Q. You are pretty confident about that?—A. That is our general belief as fishermen.

Q. You know cod do not; they spawn wherever they feel like it.—A. I don't know; they frequent the same place every year.

Q. But do you think the cod have spawning grounds inshore?—A. I think they have; at least, the people in Newfoundland have been telling me so.

Q. It is to spawn, and not for food, that mackerel go inshore?—A. Yes; because there is better food outside for mackerel, a green stuff that grows on the bottom.

Q. What is the name of it?—A. I don't know any particular name; it is a weed that grows on the rocks; but inshore close, there is no food for mackerel, not right along the rocks.

Q. They go in to spawn and go out afterwards?—A. Yes.

Q. How long does it take them?—A. Some five or six weeks. They keep moving out, going in and moving out.

Q. That is exactly as I understand it. Now, how far out do they move?—A. Well, once they start to go down, some go across to North Cape and along the western shore. They follow the island down.

Q. They come into the shore and go out for a distance, a number of miles?—A. Yes; for the last four weeks they run right along the shore.

Q. But their usual way is to play about, moving in and out?—A. Yes; they come in to four or five fathoms and move out to eight or ten fathoms.

Q. They are not such devoted subjects as to keep within three miles?—A. No.

Q. There is food outside?—A. I don't say outside of four or five miles, along one mile or a mile and a half.

Q. Then I misunderstood you. You think it is about a mile or a mile and a half that they get their food? Do you know what they call brit?—A. Yes.

Q. Where is that?—A. Right in close.

Q. Do they find it away out at sea?—A. I don't think so.

Q. You have seen spawn?—A. Yes.

Q. You have had it come up on your lines?—A. No; I have seen it lying on the bottom where a vessel would not float.

Q. Then I understand you think there is a difference between the habits of mackerel up here in these waters and down off the coast of the United States as to the distance they keep from the shore?—A. Yes.

Q. And you think that off the coast of the United States they keep farther off?—A. Yes; in the fore part of the season.

Q. And how in the latter part?—A. They move in. From Gloucester and the State of Maine you go pretty close in, right inshore.

Q. Are there any mackerel in there?—A. Yes; the best fishing is there, from this out.

Q. From Gloucester north to Maine?—A. Yes.

Q. I thought it was all exhausted?—A. Well, they seem to think so this year. They don't do much.

Q. Nor here either?—A. I believe not.

Q. It is all in the future. It is what you call prospective?—A. Yes.

By Mr. Davies:

Q. Have you ever heard from any of the American captains how many vessels there were down the bay?—A. There are 200 vessels in the bay now. I have seen a man last Friday from Gloucester, his name was Davies; 25 sail left with him.

Q. What vessel was he in?—A. The Joseph O. And as many as a dozen captains have told me that there were 200 vessels.

Q. And they are coming still?—A. Yes.

Q. Do they expect to have a large fleet down this year?—A. There was a vessel went home and reported poor doings.

Q. As a rule, is the fishing poor?—A. We have never done so well as now.

Q. The mackerel are plenty?—A. Yes; very plenty.

Q. As an experienced fisherman, do the indications point to a good season or not?—A. Yes.

By Mr. Foster:

Q. How soon are you going to find it?—A. I hope they have by this time.

By Mr. Davies:

Q. You say you fished in an American vessel off Block Island?—A. Yes.

Q. How far off shore?—A. All the way from three to ten miles.

Q. Beyond ten?—A. Yes; twenty-five miles out. That was the captain's estimation. I don't know whether he knew how far he was or not.

Q. You were out of sight of land?—A. Yes.

Q. I understood what you stated about the food of mackerel as

Foster did. You don't mean to say that the food is a stuff that grows outside of three miles?—A. I never found any outside of three miles. That is the stuff we find in them when we clean them.

Q. Now, you have never seen food in the deep sea at all? What is brit?—A. I have seen it in the mackerel where I have been fishing. I have not seen the green stuff where I have been fishing. It is as close in as a boat can come. I have never seen any outside.

Q. How many times on an average has a trawler to come in for fresh bait during the season?—A. It depends on how long she is out for. If it is five months, and she has to come in only four times, she does very well.

Q. Can't she run home for bait?—A. I think she could not do it. I think it would spoil if she did.

By Mr. Foster:

Q. You start from Gloucester with one lot of bait?—A. Sometimes we never take any.

Q. You usually start with bait, don't you?—A. Not usually. We get bait on the shores of Nova Scotia.

Q. What bait do you use?—A. Herring and squid.

Q. Do you use the squid fresh or salt?—A. Fresh.

Q. Did you ever use salt?—A. No.

Q. The Provincetown and Beverley use it salt altogether?—A. I believe so.

Q. Those vessels that fish with hook and line from the State of Maine use salt bait altogether? They don't resort anywhere for bait?—A. They do, yes. I have seen lots of vessels the last time I was down.

Q. Provincetown vessels? I thought Provincetown vessels used salt bait?—A. They did, but they found it didn't pay. They had to follow the Cape Ann vessels.

By Mr. Davies:

Q. What harbors did you buy in in Newfoundland?—A. Cape Broyle, Fortune Bay, and Bay of Bulls.

Q. You said you would make four or six trips to take bait either on the Nova Scotia or Newfoundland coast?—A. Yes.

Q. How did you get that bait?—A. Buy it from persons that go and catch it and sell it for so much a barrel. The American fishermen are not allowed to catch their own bait at all. Of course they may jig their own squid around the vessel.

Q. You think they are not allowed to catch bait?—A. The natives will not allow them.

By Mr. Foster:

Q. What would they do if you tried to catch bait?—A. They were pretty rough customers. I don't know what they would do.

By Mr. Davies:

Q. You employ them and they go and catch so much bait for you?—A. Yes; that is the custom. That is, out of Gloucester.

No. 58.

JAMES MCPHEE, of East Point, Prince Edward Island, fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. What is your age?—Answer. Thirty-five.

Q. You have been about twelve years engaged in the fisheries?—A. I have been fourteen years, twelve years in American fishing-vessels. Then I have been boat-fishing besides.

Q. Fishing in the Bay St. Lawrence?—A. Yes.

Q. What was the first year you went?—A. 1862.

Q. What vessel?—A. The Fannie R., from Gloucester.

Q. How many trips did she make?—A. One trip.

Q. What catch?—A. 180 barrels.

Q. Was she a small or a large vessel?—A. Ninety tons. It was only one trip I was in her, but she made two trips. I left her down in the bay and joined another.

Q. Now, where did you catch them?—A. We caught most of them on the east shore, from North Cape down to West Cape, and between that and Escuminac.

Q. How far off from the shore?—A. Along the shore, I would say a mile and a half to two miles.

Q. What proportion of the whole catch did you take within three miles?—A. I should think of the 180 barrels we took 130. We got 40 barrels at the Magdalen Islands.

Q. Where were the rest taken?—A. On the east shore of Prince Edward Island, and between that and Escuminac.

Q. Within three miles?—A. In shoal water.

Q. Within three miles?—A. Yes; within two and a half to one and a half.

Q. The next year, 1863, what vessel did you go in?—A. The Edward A. D. Hart, Gloucester, Captain McMillan.

Q. How many barrels did you get?—A. 700 barrels.

Q. How many trips?—A. We made only one trip, but we landed 250 or 300 barrels, and took all home in the fall.

Q. Now, where did you catch those?—A. All around Cape Breton and Prince Edward Island, and all around.

Q. Did you catch any of these at Magdalen Islands?—A. Yes, some.

Q. What proportion of the 700 did you catch within three miles of the shore? What proportion of the 700 barrels?—A. Well, the last trip we caught all inshore. We caught them at Margaree and off the north shore of Prince Edward Island. The first trip we caught 200 at Magdalen Islands, and we caught some on Bradley.

Q. Was the proportion 400 to 300?—A. Yes; two hundred were taken at Magdalen Islands and one hundred off Bradley.

Q. Those 400 were taken close in?—A. Yes.

Q. How many Americans were there in the bay that year?—A. Four hundred or five hundred sail.

Q. Was yours an average catch?—A. Ours was above the average.

Q. In 1864 what vessel did you go in?—A. In the Julia Parsons, Gloucester.

Q. How many barrels?—A. 1,000. She was a large vessel and made p3.

Q. Where did you take them?—A. Some at Bay Chaleurs. A good deal the first trip. About 300 barrels at Bay Chaleurs and 200 at Magdalen Islands.

Q. Where then did you catch fish?—A. At Shippegan and Caraquet, right close in.

Q. Did you catch any at Bay Chaleurs in the center of the bay?—A. Seldom. There might be a spurt, but no continuous fishing. It is either one side or the other.

Q. Where did you get the other 500 barrels?—A. On the Cape Bre-

ton shore, between Margaree and Cheticamp. We got a few by Sydney, down by St. Anns.

Q. How far offshore were those taken?—A. Along shore. The usual places where they fish.

Q. How far off are they?—A. About two and a half miles. We caught them right in at Margaree Island. We got 100 barrels right in within a half mile of the island.

Q. Were there many in the bay that year?—A. There was a big fleet; 600 sail.

Q. Was yours an average catch that year?—A. We were above the average.

Q. Did you get a good price that year?—A. We got \$20 for 1's and \$13, I think, for 2's. But the last trip was \$15 and \$12. There was a good many mackerel landed and they kept them till the fall, and the price fell.

Q. In 1865 what vessel did you go in?—A. The Edward A. D. Hart.

Q. Did you go in the Julia Parsons more than one year?—A. Only one year.

Q. What did you catch in the Edward A. D. Hart?—A. 500 barrels.

Q. In 1866 what vessel?—A. The Edward A. D. Hart.

Q. What catch?—A. 450 barrels.

Q. Whereabouts?—A. On the same grounds.

Q. Were there many American vessels in the bay?—A. About 400 sail.

Q. In 1867 what vessel?—A. The Colonel Ellsworth, Gloucester, Robson, master. We made one trip and got 450 barrels. That was the whole season.

Q. In 1868 what vessel?—A. The A. M. Wanson, Gloucester, Captain Webber.

Q. How many barrels?—A. We made two trips and got 400 barrels.

Q. Where did you get them?—A. The first trip on the Canada shore—that is, off Bonaventure.

Q. You were up in the river St. Lawrence?—A. Yes, the south side of the river, off Perce and along that ground.

Q. Did you get a good many offshore?—A. I think we got 100 barrels offshore.

Q. The mackerel were how close in to Perce?—A. How do you mean? Two to two and a half or three miles.

Q. Were there many vessels in the bay that year?—A. Considerable many vessels in 1868. Four hundred sail.

Q. Then you caught off Bonaventure all inshore?—A. No, offshore. We caught 100 barrels about the first trip in June or July.

Q. Was yours an average catch?—A. I think it was rather above the average.

Q. The next year was '69. What vessel did you go in?—A. I was in the schooner Eliza R. Bradley, Richards, Gloucester; made two trips and got 170, I think, the first trip, and 80 barrels, something about that, the last trip.

Q. That was a good deal below the other years?—A. It was a poor year.

Q. Were the cutters in the bay that year?—A. Yes.

Q. Had they anything to do with your small catch?—A. I think they bothered us considerable.

Q. Explain how they bothered you.—A. Well, in our inshore-fishery they bothered us this much, that if we would go inshore and raise a school of fish, if we saw a suspicious vessel coming along we would

have to run away until the cutter got by and then go in again. It was a dread all the time.

Q. You didn't dare to go in?—A. We had to keep a safe distance.

Q. The result was you got a small fare?—A. Yes.

Q. Did it have the same effect on the other vessels?—A. With the fleet I was with it used to work in that way. When the cutters were away we would try to steal in.

Q. In 1870?—A. We didn't do much; about the same, I think; not so much. We made one trip, and got, I think, 160 or 180 barrels.

Q. The cutters were in the bay then too, I think?—A. Yes.

Q. In 1871, what vessel?—A. I was in an Island vessel.

Q. What was her name?—A. I was in the Octave, and got 600 barrels.

Q. In 1872?—A. I did no fishing at all.

Q. In 1873?—A. I was in the Charles Shears, Captain Kenny.

Q. How many barrels did you get?—A. 500 barrels.

Q. Were there many in the bay in 1873?—A. There were considerable; I should think 300 sail, anyway.

Q. In 1874 what vessel were you in?—A. The Victor, Gloucester, Captain Daniels.

Q. How many barrels?—A. 600 barrels—two trips. We took the first trip of the year on the west shore between Escuminac and along Prince Edward Island, close in. The last trip we got around East Point and Margaree.

Q. Taking the whole of the two trips, what portion was caught inshore?—A. Of the 600 barrels, I should think 500 were caught inshore. We never caught any mackerel in deep water at all; we might raise them, but not catch them to speak of.

Q. Were the American fleet fishing with you?—A. Yes.

Q. Taking them in the same places?—A. Yes.

Q. What proportion of all these do you think were taken within three miles?—A. I would consider three-fourths, during the time I have been catching, have been taken within three miles.

Q. That extends from 1862 to 1874?—A. Yes.

Q. At least three-fourths during that period?—A. Of all I have been connected with in any way.

Q. Or what you saw?—A. What I saw with my own eyes.

Q. Have you heard American captains talking over this question at all?—A. Certainly.

Q. What is their opinion?—A. They would say they could not do without the inshore fishery. They would say they wished it could be settled so that they would have the liberty of fishing.

Q. They have agreed with you?—A. Yes. There have been some years that certain vessels would fish off Bradley and Orphan, but if I were fishing I would not go unless I could have liberty.

Q. Do you think any prudent man would fit out unless he had liberty?—A. I don't think.

Q. Have you any doubt?—A. I think he would fail altogether. He would not pay his bills.

Q. You have been fishing in boats since then?—A. I have.

Q. Where do the boats fish around Prince Edward Island?—A. Within a mile and a half of shore.

Q. Has there ever been a better year for boats? Is it not counted one of the best years?—A. It is a good one. I have a brother fishing. I have seen him go ten days ago. He is in the Jamestown, from Gloucester.

cester—an American vessel. He says he thinks there are 180 American vessels in the bay.

Q. Haven't any of them made catches?—A. They had 100 barrels in four weeks in the bay.

Q. That is not so very bad?—A. That is very good.

Q. What do you say, as an old fisherman, is the outlook for this year?—A. Very good. I think they are going to do well.

Q. Where do the mackerel feed?—A. Along the shore there. There is a certain brit, or little kind of stuff, they feed on.

Q. Do you ever see that in the open waters?—A. No.

Q. When you catch mackerel can you see it when you open them?—A. Yes.

Q. Have you seen it with your own eyes?—A. Yes.

Q. There is no doubt about it?—A. No.

Q. What effect has this fishing of the American vessels upon the boats when they come in?—A. The Americans take all the fish away. They drag it right off. Of course they throw more bait than the boats do.

No. 59.

JOHN McDONALD, of East Point, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You have been engaged in the fisheries a good many years?—Answer. Yes.

Q. Fishing in boats and vessels I suppose?—A. I was in vessels fifteen or seventeen summers.

Q. In American vessels?—A. I was about fifteen years in American vessels.

Q. Beside that you have been in boats?—A. Yes.

Q. So your experience extends back a good while?—A. Yes. The *Evangeline*, from Gloucester, I was in first in 1853.

Q. What fare did you get in her?—A. About 300 barrels.

Q. How many American vessels were in the fleet that year?—A. There were five hundred or six hundred sail.

Q. What vessel were you in next year?—A. The *Flying Eagle*, Gloucester.

Q. How many did you catch?—A. 300 barrels.

Q. Was that the whole season's work?—A. No; only a short fall trip.

Q. Were there many sail in the bay that year?—A. About the same as the year before.

Q. What did you say that was?—A. 500 or 600.

Q. In 1855 what vessel were you in?—A. The *Forest Queen*, from Belfast, Maine.

Q. How many barrels did you get?—A. 300 about.

Q. Was that the season's work?—A. No, I was two months in her; part of the season's work.

Q. Where were you then?—A. Cod fishing in an Island vessel. I just went in her for that trip.

Q. What was the number of American vessels in the bay that year?—A. I think the same as usually went. There was a number of years that the fleet averaged the same.

Q. What was the average catch?—A. Our catch that year was below the average.

Q. What was the average catch that year?—A. Some made two trips and some made more. I have no idea what was the average.

Q. You know yours would be below it?—A. Yes, I am pretty sure of it.

Q. In 1856 what vessel did you go in?—A. I was in a British vessel, the Emerald, in 1856.

Q. How many mackerel did you get?—A. 300 barrels.

Q. How many codfish?—A. 450 quintals.

Q. Was there the same number of Americans in the bay that year?—A. Yes; I think there was.

Q. In '57 what vessel did you go in?—A. I was in the John Pugh, from Gloucester. The captain's name was David Bowen.

Q. How many barrels did you get?—A. 400 odd.

Q. Was the fleet about the same, or did it increase?—A. I think it was about the same; perhaps more.

Q. In '58 where did you go?—A. I was in the Pioneer, another English schooner, for codfish and herring. I was not mackereling in her.

Q. In '59 where were you?—A. I was in an English schooner, the James, mackereling. We got 300 barrels in her. I was part of the season in her. I left her.

Q. Would that be below the average catch for the season?—A. I should think so.

Q. From what you know of the catch of other vessels would, you say it was below?—A. Yes; because I know of vessels catching more.

Q. Had the American fleet remained the same or increased?—A. It was about the same, I suppose.

Q. Did you go the next year?—A. I was not then fishing until 1863.

Q. In '63 what vessel did you go in?—A. The Ianthe, Portland, Me.

Q. What were you doing; mackereling?—A. I was codfishing in her. We got 600 quintals.

Q. How many Americans were fishing for cod?—A. Where I was, 15.

Q. How many were in the bay codfishing?—A. I don't know.

Q. Well, did you go mackereling that year?—A. Yes, sir; in the Argo, Portland.

Q. How many did you get?—A. 500 barrels.

Q. I am forgetting to ask you where you caught those mackerel?—A. We got 500 barrels along the bend of Prince Edward Island, the biggest part of them.

Q. How far from the shore?—A. Right in, from one to two miles.

Q. That brings us to 1863—to 1864. Where were you then?—A. I was in the same schooner and got 400 barrels. We caught them around the island, the biggest part of them. About three-fourths at the island.

Q. Within a short distance?—A. Yes; close in—a mile or a mile and half; some handier.

Q. Was the American fleet in that year?—A. Yes; in about the same number and catching at the same places.

Q. In '65?—A. I was not fishing.

Q. In 1866?—A. I was in the Veteran, from Gloucester. We got 700 barrels.

Q. Where did you take them?—A. Inshore; some at Prince Edward Island, and some at Magdalen Islands; some at Margaree.

Q. What proportion of the whole 700 were taken close inshore?—A. All of three-fourths.

Q. How far off?—A. Some two miles and some one; perhaps some more than two miles.

Q. How many sail were in the bay then?—A. I suppose 500 sail; perhaps 600; between five and six hundred.

Q. Did they catch about the same quantity each vessel; would that be about the average?—A. I think so.

Q. Would the proportion taken by you inshore be a fair average for the American vessels?—A. Yes.

Q. You think all caught about the same?—A. Yes. It was a large fleet, and generally fished together.

Q. In '67 what vessel?—A. The Laura Seward. We got 550 barrels; the biggest part of them around the island one trip, and the next trip the whole of them at Margaree.

Q. Those would be all inshore?—A. Yes. We had to work off the ledge three times in one day; we went too close in.

Q. In '68?—A. I was in the Isaac Rich, Salem. We got 540 or 550 barrels.

Q. What proportion inshore?—A. The biggest part inshore; three-fourths; that was in the vessel I used to fish in. Some used to fish in deep water and some inshore.

Q. How many American vessels were in the bay that year, in 1868?—A. Between 400 and 500 sail.

Q. Was yours about an average catch?—A. Yes, about an average.

Q. Where were you in 1869?—A. In the E. Hudson, an English schooner.

Q. All the season?—A. No; I was only in her a spell.

Q. What was the catch?—A. We caught 140 barrels.

Q. How long were you in her?—A. Five or six weeks.

Q. You did not stay the season?—A. No.

Q. Where were those taken?—A. Around the island.

Q. Close in or out?—A. Close in. All we caught in her was about the island. We caught none in her outside the limits at all.

Q. In 1870?—A. I was in the Isaac Rich again. We got 450 barrels, taken about the island, some at Margaree.

Q. Did you take any outside?—A. Not in the Rich that year.

Q. In 1871?—A. I was in the Rich again. We got 400 barrels, the biggest part about Margaree, close in.

Q. Did you get any outside at all?—A. Some.

Q. What proportion did you get inside?—A. A few outside; it might be one-third.

Q. In '72?—A. I was in the Ida Thurlow, Gloucester. We got 300 when I was in her, around the island.

Q. Was that the last year?—A. That was my last year fishing. I was not long in her in '72.

Q. Now, during the twelve or fourteen years you were fishing you were in American vessels mostly. You fished down about Cape Breton, Prince Edward Island, the West Shore, Bay Chaleurs?—A. And Gaspé.

Q. How far off were you accustomed to fish from shore?—A. From one to two miles generally.

Q. Was that the custom of the rest of the American fleet?—A. Sometimes they fished three miles out.

Q. They would drift out, I suppose?—A. Yes; they would generally come in and heave to and drift out, and then get under way and work in again.

Q. Why did you run in shore after you got out?—A. Well, the mackerel slackened off biting, and we would beat inshore again.

Q. Taking the whole catch during the years you engaged, could you

state on oath what was the fair proportion taken within three miles?—A. I would say in the vessels I have been in three-fourths were taken from one to three miles of the land.

Q. You swear that in reference to vessels you were in whose names you have given; can you give the same statement with respect to the other vessels you saw fishing alongside? Have you any doubt that the result was the same?—A. No doubt at all.

Q. All the fish taken were in the same proportions?—A. Yes.

Q. If you were not allowed to come in at all, could you catch any outside?—A. I don't think it. They would take some outside, of course. I have heard of some being caught outside on Bradley and Orphan.

Q. It is a very rare exception, is it not?—A. O, I have heard of some catches; a good many. But I have never been in vessels that did catch any to speak of.

Q. You have been there?—A. Yes.

Q. You have been unsuccessful, haven't you?—A. No; I have made good trips.

Q. But on the Banks?—A. O, I have never caught anything to speak of on the banks.

Q. What is the general opinion of the American captains and fishermen of the relative value of the inshore and offshore fisheries?—A. The best fishing is inshore. The biggest part is inshore.

Q. Is that their opinion?—A. It is of most I have heard.

Q. Were you there when the cutters were there?—A. Yes.

Q. How did you get clear of them?—A. We watched them and cleared out.

Q. You would run the risk and go inshore after mackerel?—A. Yes; the cutter would be coming around a headland for instance, and we would be hove to inshore. We would see him coming and run off, and when he was far enough away we would go in again.

Q. You didn't go outside and try to take them?—A. No.

Q. Why?—A. We could not get them.

Q. You have been fishing some years in boats. Is that a very successful fishery?—A. Yes.

Q. Has it increased very much of late years?—A. Yes; very much, indeed.

Q. And has the fishing this year been good on the island?—A. Not so very good.

Q. Have you known of many American vessels being down in the bay?—A. Some time since, a person talking to me said there was a considerable number in.

Q. Do you know how many there are now? Do you know if any have taken good fares?—A. He has done well—that is, the person I spoke to, Captain Lee. He had 300 barrels, seining, when I saw him.

Q. That is not bad for this time?—A. That was the third time he shot his seine. He had 300 barrels.

Q. Supposing the American vessels were not allowed to come within three miles, do you think they could catch fish profitably outside?—A. I don't think they would go mackereling at all if that was the case.

Q. You don't think they would catch any fish?—A. They would catch some.

Q. How many?—A. I don't think they would come in the bay if not allowed to go inside.

Q. Why?—A. It would not pay.

Q. During the twelve or fourteen years of your experience, three-fourths were always taken inside?—A. Yes.

Q. I believe all the boat-fishing is done within ?—A. Yes.

Q. It is still so ?—A. Yes ; the biggest part is done within one mile.

No. 60.

FRIDAY, *September 7, 1877.*

The Conference met.

THOMAS R. PATTILLO, fish merchant, of Liverpool, N. S., was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. Are you engaged in the fish trade ?—Answer. Yes.

Q. Do you own fishing vessels and boats ?—A. Yes. At present I am more directly engaged in trap-fishing.

Q. How are your traps set ?—A. On the shore. They are used for the catching of bait.

Q. What kind of fish do you chiefly catch ?—A. Mackerel and squid.

Q. Squid are used altogether for bait, I believe ?—A. Yes.

Q. Do Americans come in and get bait from you ?—A. Yes.

Q. Do they make a constant practice of doing so ?—A. They do.

Q. At what seasons of the year do they come in ?—A. Right along from the time when the traps are set. Last year they first came in about the first of August, and this year early in July.

Q. Do not the herring strike in earlier than the 1st of July and August ?—A. Yes, but we were not in a position to put traps down earlier.

Q. Why ?—A. We did not have our traps ready.

Q. But the fish were there previously ?—A. Yes.

Q. When do the Americans generally come in for bait in the spring ?—A. The earliest period that they come in where we are is the 1st of July.

Q. What do they get this bait for ?—A. For cod and halibut fishing.

Q. They come in and give their orders for the bait ?—A. Yes.

Q. Do they come in in such numbers that their orders have to be entered in succession on the book ?—A. Yes.

Q. And you serve them in their turn ?—A. Yes.

Q. How long have they to lie to, in order to get bait ?—A. This year about a week has elapsed after their arrival, before we could fill their orders. The bait has to be fresh from the trap, and we supply them in their turn.

Q. Is this the practice, as far as you are aware, along the coast ?—A. I think that it is.

Q. When bait is taken for the Americans in nets, it must be caught after the order is given ?—A. Yes.

Q. The fish for bait cannot be kept on hand in nets ?—A. No ; they soon spoil in them.

Q. The orders are given beforehand, and afterward, in order to fill the orders, you catch the herring ?—A. Yes.

Q. Are quantities of herrings in this way procured for bait by the Americans in your neighborhood ?—A. I can only say this about it : If we could have obtained the bait this year in sufficient quantities, we estimate that we could have sold 2,000 barrels. Calls for it were made to that extent.

Q. These orders were given beforehand, and the fish, after the orders were given, were taken ?—A. Yes.

Q. There is no such thing as a supply of herring being kept by merchants for the purpose of selling them to the Americans when they come in?—A. O, no; not with us. I do not know how it may be in other places. As far as I am aware, however, it is not the case on the coast.

Q. Do the Americans come in and fish themselves inside of two and three miles of the shore?—A. Not that I am aware of. They have, however, been catching some mackerel from their vessels this season in the harbor.

By Mr. Foster:

Q. For bait?—A. Yes.

By Mr. Thomson:

Q. You have mackerel on your shores?—A. Yes.

Q. Do they strike in, with you, about the 1st September?—A. They have been caught there this year all through August.

Q. Are there plenty of mackerel on your coast?—A. Yes; that was the case when I left Liverpool the day before yesterday.

Q. Did you then see the mackerel in the harbor?—A. I suppose I saw enough mackerel in one body to have supplied our county, and made us all rich. Apparently they extended in the water for half a mile; and they were so thick that they did not seem at all to mind the boats going amongst them. This was the case when I left there. This is the first big school which we have seen in that neighborhood for some little time.

Q. The mackerel are as numerous with you as they possibly can be?—A. Yes.

Q. Are cod, hake, and halibut taken on your shores?—A. Yes; also pollock and haddock and all descriptions of fish.

Q. How far from the shore are they taken?—A. They are caught by our own fishermen as near as a quarter of a mile from it, and often there is very good fishing and good net moorings close by the shore. Very good catches are made there. I knew one man who, this season, within 200 yards of the shore, took between 500 and 600 codfish before noon in the day.

Q. Are halibut taken inshore?—A. Not in any quantities; but occasionally they are so taken.

Q. But the pollock is an inshore fish?—A. Yes; they are taken quite close inshore.

Q. Where do you send your cured cod-fish?—A. To the West Indies principally.

Q. And what do you do with the salted cod?—A. We send some to the West Indies and some we consume ourselves.

Q. Do I understand you to imply that there is no traffic either in dried or pickled cod with the United States?—A. Our trade with the United States in this respect has been very trifling, and lately it has ceased. Some two or three years ago, however, some small shipments of large cod were made to the States.

Q. Was this a paying business, or did it pay better to ship them to the West Indies and England?—A. We thought it was better to send them to the West Indies. The only reason why they were then sent to the States was that it was late in the season, and the fish in question could not be cured. The fish used in the States do not require to be dried as much as ours, in order to complete their voyages; and so we culled out the large fish and sent them to the States.

Q. Do you send much fish to the different ports in the Dominion?—A. No; not a great deal.

Q. Do you chiefly catch them for your own consumption and for the West Indian market?—A. Yes.

Q. Are many boats engaged in fishing in your neighborhood?—A. Yes; I think that about 300 are so engaged.

Q. Within what distance along the shore do you place that 300?—A. In Liverpool Harbor there are about 200, and all of them are owned within a distance of about seven miles.

Q. On either side of the harbor?—A. Yes; on the shore.

Q. Are these boats engaged in all kinds of fishing?—A. Yes; they fish for mackerel, hake, cod, halibut, and pollock.

Q. Why do the Americans come in and get the bait, which they sell them?—A. In order to use it in fishing. They ice the fresh bait and go to the fishing-grounds with it. They ice the bait for cod and halibut.

Q. Do you catch squid for them in the way you have mentioned?—A. Yes.

Q. They prefer squid over other bait, I suppose?—A. Yes.

Q. Could they carry on the deep-sea cod-fishery if they could not so obtain bait?—A. They could not do so so well as is now the case.

Q. Could they do so at all successfully?—A. No.

Q. How often do they come in for bait in the course of the season?—A. We had one vessel in, I think, five times, and another three times, and a third twice.

By Mr. Foster:

Q. This season?—A. Yes—so far.

By Mr. Thomson:

Q. I suppose that this is a sample of the general run?—A. Yes. Others have come in there for bait, and been unable to secure it, and consequently they have had to proceed farther for it.

Q. You were not able to fill the orders which were presented?—A. Yes; bait was not sufficiently numerous for the purpose.

Q. Where did they go?—A. To the eastward along the coast. Nine vessels left there in one day last week, having been unable to get bait, though they had laid at the place for 5 or 6 days. I think that there were about 17 vessels, our own and American, in. We baited what we could, but 9 of them so went away.

Q. Were these 9 all American vessels?—A. Yes.

Q. Out of the 17, how many were American?—A. I think 13.

Q. They could not wait for their turn?—A. No. Bait had slacked off, owing to an east wind and rough weather. A fortnight ago to-day, we baited 5 American vessels.

Q. How many barrels each?—A. One took 20, and another 15 barrels; but I forget what the other two bought.

Q. I suppose that you have conversed with American skippers?—A. Yes.

Q. Did they ever tell you that they could not carry on the fishery if they could not secure bait in this manner?—A. They told me that they could not do so successfully, lacking this privilege.

Q. I believe that none of your people go to the American coast to fish?—A. Not in vessels, to my knowledge.

Q. They do not send either their vessels or boats to fish there?—A. They do not, from our port.

Q. Are you aware of any of our people anywhere going there to fish?—A. No. I am not, personally.

Q. Then in your opinion the privilege of fishing in American waters is of no value to us at all?—A. No; I should think not.

By Mr. Foster :

Q. I take it that the difficulty you experience in supplying the Americans with bait is rather due to the fact that you have not sufficiently numerous facilities for catching fish, and the short supply of fish?—A. Yes; the supply has been short at times. The winds often interfere with the catch.

Q. If it was not for the fish being temporarily driven off by bad weather, would the supply at your place be abundant?—A. Generally—yes.

Q. As a rule, unless the weather interferes with the catch, there will be fish enough caught?—A. Yes. It largely depends on the number of applications for it. Sometimes vessels come in and have to wait a little, or they find that we have not a sufficient quantity of bait, and proceed farther on.

Q. How many establishments and traps are there there?—A. Two.

Q. Suppose that there were half a dozen, and that you were to extend your business, there are fish enough in the sea for the purpose?—A. Yes.

Q. The only trouble is, that there are not people enough carrying on the business to prevent customers having to wait for their turn?—A. Yes; that is it.

Q. These vessels which come for bait are all bankers I suppose?—A. Yes.

Q. During how many months do they come to your place for bait?—

A. I can only speak from experience during last year in this regard; and the last day we hauled our traps, November 18, or the day previous, vessels were there for bait.

Q. They so come from July to November?—A. Yes.

Q. And how many vessels did you supply during that time?—A. Last year I think we only supplied 14, and they were all American vessels.

Q. How many times did you supply them?—A. Some of them we supplied three times.

Q. How many supplies of bait did you furnish them all?—A. I think 19.

Q. You furnished 19 supplies of bait last year?—A. Yes.

Q. How many supplies were furnished by the other concern?—A. We had only one trap last year. It was not generally known at the time that we could supply bait.

Q. And since you have advertised in the Gloucester papers, your business has increased?—A. Yes.

Q. How many vessels have you this year supplied up to the present time?—A. Twenty-two; and we had forty-three applications, which we could not fill. They have been so anxious to obtain bait, that they have even run one another in the price. Some vessels only require a small quantity—7 or 8 barrels—compared with others.

Q. Why is that the case?—A. They get part of their bait from what they call the offal of cod and hake, on the halibut grounds. They use this to catch halibut, and get their first supply from the main shore.

Q. Do they not so catch cod?—A. No, only halibut, except on the Grand Banks, but they do not do so on our ordinary banks.

Q. To what banks do the fishermen whom you supply with bait resort?—A. They chiefly go to the Western Banks, to Banquereau, and to our own off-shore banks. The halibut is a deep-water fish, and it is taken in 90 fathoms of water and upwards.

Q. You do not know of any inshore halibut fishing done by Americans, which amounts to anything?—A. Not inside of 90 fathoms of water.

Q. Do you understand that the halibut fishery is substantially everywhere a deep-sea fishery?—A. Yes.

Q. Occasionally a halibut may be caught inshore as a boy may catch a codfish off the rocks, but pursued as a business, halibut are caught in the sea?—A. Yes; in deep water.

Q. How deep did you say?—A. The fishery is most successfully prosecuted in about 90 fathoms of water, and late in the season in as much as 150 fathoms.

Q. What do you do with your herring, when you cannot sell them to the American fishermen?—A. We cure them.

Q. In what way?—A. We salt them, or supply them to our own people, when they want them.

Q. Do you smoke any of them?—A. Yes; but very few.

Q. What becomes of your salted herring?—A. We send them principally to the West Indies.

Q. Do any go to the States?—A. None of ours go there.

Q. Is this business just beginning?—A. Yes; we have pursued it during two years.

Q. We have had hard times during the past two years, and business is now starting up in new channels?—A. Yes; I have been interested in seine fishing for 20 years. I have had three seines for mackerel and herring. They were shore seines.

Q. What have you done with the herring which were caught in the seines?—A. I have salted them.

Q. What have you done with the mackerel so caught?—A. The fat mackerel were chiefly sold in Halifax, and the poor ones in the West Indies.

Q. If sold in Halifax, I suppose they were bought to send to the States?—A. I cannot say.

Q. Have mackerel been plentiful in your vicinity during the past few years and up to the present time?—A. Last year for about a fortnight they were very plentiful. During the first half of September, they were very abundant.

Q. Were Americans fishing there then?—A. No; not for mackerel.

Q. Are Americans fishing for mackerel there now?—A. Not as a business. They were, however, fishing some for mackerel the other day for bait.

Q. During how many years have you known of any considerable American mackerel fishing being done in your vicinity?—A. I have never known a great deal to be done there, no more than running out sometimes when the fish were found schooling in the neighborhood, and up on their way home, which was generally late in the fall. If the fish are going westward, the vessels go out and meet them; but as to what quantity is so taken, I have no idea.

Q. No considerable quantity has been ever taken?—A. No. As a general thing, when these fish are moving along our coast, they will not bite.

Q. Has there been any purse-seining done by Americans in your vicinity?—A. Not that I am aware of.

Q. When these vessels were fishing for mackerel the other day, they were taking bait?—A. Yes.

By Hon. Mr. Kellogg:

Q. What do your people do with the hake they take?—A. They ship some to the West Indies and some to Halifax.

Q. Cured?—A. Yes; dried.

By Mr. Thomson :

Q. Do the Americans buy a good deal of ice from you ?—A. Yes; they have purchased a great deal of it this year.

By Mr. Foster :

Q. How many ice houses are there in your neighborhood ?—A. There are a good many, but they are small ones. I can tell the quantity of ice better than the number of ice houses. This last year about 300 tons of ice were put up there for the purpose of selling it to the Americans and others. The Americans buy the greatest part of it.

Q. This is a business which your people solicit and desire ?—A. No. The Americans, I think, come of their own accord for it.

Q. Has the fact of it being so obtainable been advertised in American paper ?—A. I think so.

Q. It is a business got up to make money out of the Americans ?—A. I cannot say that. I suppose that they want to make it profitable.

By Mr. Thomson :

Q. They sell it to anybody ?—A. Yes. I want it to be understood that I myself have no interest in this ice business. It is put up by other parties, and when fishermen apply for bait, of course I tell them where they can procure ice. Vessels come there from other ports and run in for ice. Instances have occurred of vessels, on passing up with fresh halibut, finding that their halibut are spoiling, and coming in there to procure ice.

Q. To save these cargoes ?—A. Yes.

Q. And if they had not so been able to obtain ice, their halibut would have spoiled ?—A. The halibut would then have soured, of course.

No. 61.

JOHN R. MACDONALD, fisherman, of East Point, P. E. I., was called on behalf of the Government of Her Britannic Majesty, sworn, and examined.

By Mr. Davies :

Question. What is your age ?—Answer. Thirty-two.

Q. How long have you been engaged in fishing ?—A. About 17 years.

Q. Are you engaged in the fishing business now ?—A. Yes; I am so doing business in New London.

Q. In what capacity ?—A. I am master of a stage.

Q. What does that mean ?—A. I just look out for the boats and have charge of the whole thing.

Q. That is, a merchant has a stage, and a number of boats employed to catch fish, and you are his hired man there ?—A. Yes. About forty men are so engaged, and I look after these men and the store, and the fishing and the curing of the fish.

Q. How many boats have you ?—A. Six.

Q. How many men are there in each boat ?—A. In some there are four, and in others five.

Q. Do these boats fish right off New London Harbor ?—A. Yes.

Q. How many boats altogether are there in New London Harbor ?—A. I came there this spring a stranger to the place; but I am told that there are about 155 boats in the place.

Q. Previous to going there, were you fishing in vessels ?—A. Yes.

Q. Where do these boats catch their fish ?—A. Right off the harbor.

Q. How far out ?—A. One mile or two miles.

Q. Are all the fish taken within three miles of the shore?—A. None of the boats go out as far as three miles.

Q. Then all the fish taken by them are caught within three miles of the shore?—A. Yes.

Q. What is the average catch of one of these boats of yours?—A. I could not tell you. We have got six boats, and we got 19,000 fish during one day.

Q. Can you, in barrels, give an idea as to the average catch of one of these boats during the season?—A. I know what we have taken this year with these six boats; we have shipped 412 barrels.

Q. Already?—A. Yes.

Q. Is this a good fishing season?—A. I think that it is very good. The first part of it was very good, but lately there has not been much done.

Q. And you have caught 412 barrels already?—A. Yes. We shipped them about the 26th of last August.

Q. Would you call this a good fair season?—A. Yes; this is a good average season.

Q. Are many American vessels there?—A. Yes; a good many.

Q. How many American vessels are there in the gulf?—A. I could not tell you. I have seen perhaps a dozen of a day, and perhaps twenty during that time.

Q. Fishing off New London Harbor?—A. Yes.

Q. How far from the shore?—A. About one or two miles.

Q. Is that the distance from the shore within which they usually fish?—A. I think so.

Q. What has your experience been in this respect?—A. I always found the best fishing within two miles of the shore.

Q. Have you been a master of a vessel?—A. Yes; during eight years.

Q. Have you fished in American vessels?—A. Yes.

Q. For how many years?—A. I think six or seven.

Q. Can you give the names of these vessels?—A. The first one was named the Fashion.

Q. When did you go fishing in her?—A. Thirteen years ago, I think.

Q. Do you remember the captain's name?—A. It was Stapleton.

Q. Edward Stapleton?—A. Yes.

Q. You knew him?—A. Yes.

Q. You were one of the hands on board of the vessel?—A. Yes.

Q. When did you go fishing in her?—A. I forget the time when we left Gloucester, but I think it was in July.

Q. Did you get a good catch that year?—A. Yes; we did very well. We made three trips.

Q. How many barrels did you catch?—A. I think we took about 250 barrels the first trip.

Q. Did you get full fares each trip?—A. Yes, pretty nearly, except the last time.

Q. Her full fare was about 250 barrels?—A. Yes; she was a small vessel.

Q. Was Stapleton then an experienced man?—A. I do not think that he was.

Q. Why?—A. Because I had to take charge of her for the first trip, although I was not master. I had to bring the vessel down to the bay.

Q. Did he understand fishing in the bay when he came down?—A. No, I do not think that he did.

Q. Had he been in the bay previously?—A. I do not think, judging from his manner at the time, that he knew anything about the bay.

Q. By what route did you come?—A. We came through the Strait of Canso and around East Point, and up to the Bay of Chaleurs. I see that he has made a statement about the 4th of July which is very incorrect.

Q. You have seen that statement?—A. Yes.

Q. Where did you catch your fish at the time?—A. We took the first trip in the Bay of Chaleurs and off Miscou.

Q. Did you fish close to or far off from the land?—A. We fished anywhere along shore, within 2 or 3 miles of it.

Q. In the Bay of Chaleurs and off Miscou?—A. Yes.

Q. And where did you obtain the second trip?—A. Off Prince Edward Island, from North Cape down to East Point.

Q. And where did you catch the third trip?—A. Off Port Hood and Margaree.

Q. Stapleton gave us to understand that these fish were taken something like 8, 10, 12, and 14 miles off the shore, just within sight of land? Is that statement correct?—A. No.

Q. You are perfectly certain on that point?—A. Yes, I am very certain about it; for I had charge of the vessel, I may say, during that whole summer.

Q. And you know the special locality in which each trip was made?—A. Yes.

Q. And you say that these fish were taken within 2 and 3 miles of the shore in the Bay of Chaleurs, around the island, and off Cape Breton?—A. Yes. His statement on these points is incorrect.

Q. Were you with Stapleton more than one year?—A. No.

Q. What was the name of the next American vessel in which you fished?—A. The Winged Arrow.

Q. Where was she from?—A. Gloucester.

Q. What year was that?—A. I do not precisely recollect, but it was the second year after I was with Stapleton.

Q. That would be 12 years ago?—A. It was about 11 years ago.

Q. Did you come down to the bay in the spring or summer?—A. I think that we left Gloucester on the 4th of July.

Q. That is the time when fishing-vessels generally leave there?—A. Yes.

Q. What did you do that season?—A. We did very well. We made two trips, I think.

Q. How many barrels did you catch?—A. I think about 280 or 300 barrels, on the first trip.

Q. And how many the second trip?—A. I think about the same number.

Q. Where did you take them?—A. We brought one trip into the Strait of Canso and shipped it.

Q. Where did you catch them?—A. All along Prince Edward Island; we also took some at the Magdalen Islands.

Q. Did you get many there?—A. I would think that we caught about half of the trip over there and the other half off the island and Margaree.

Q. What was the name of the next American vessel in which you were?—A. The Sunnyside, from Gloucester.

Q. How many trips did you make in her that season?—A. I think three. She was a small vessel of about 45 or 48 tons.

Q. What did you get during your three trips?—A. We caught about 250 each trip.

Q. You got full fares?—A. Yes.

Q. Where?—A. We took one trip off Sydney and the other two trips off Prince Edward Island and Margaree.

Q. How far from the shore?—A. I guess about 2 miles. However we may have caught a few perhaps when crossing from the Magdalen Islands to North Cape and Bradley.

Q. About how many did you catch outside of the three-mile limit?—A. We took most of the fish inside of three miles from the shore. I may say that we got them all inside of the three-mile limit.

Q. How many barrels would you say that you caught outside of that limit?—A. Perhaps about 20 or 30 barrels, on Bradley and Orphan Banks. When making the passage, we might perhaps heave to, and if the day was favorable we would catch a few and proceed.

Q. Was it customary for American vessels to fish in deep water, or did they make it a point to fish close in to the shore?—A. I think that they made a practice of fishing inshore.

Q. What was your experience?—A. My experience has been that they made a practice of fishing inshore. This was the case with all the vessels in which I ever was.

Q. What was the name of the next vessel in which you were?—A. The Corsair, an island vessel.

Q. How many did you catch in her?—A. I think about 200 and some odd barrels.

Q. Was she a small vessel?—A. Yes. She was of about 30 or 38 tons.

Q. She was very small?—A. Yes.

Q. Where did you catch them?—A. All inshore, along Prince Edward Island and some in the Bay of Chaleurs.

Q. Is it customary to fish in the center or along the shore of the Bay of Chaleurs?—A. We fish there just along the shore. I hardly ever saw any one fish in the middle of this bay.

Q. What did you do next?—A. I went fishing in the Octavia.

Q. An island vessel?—A. Yes. She belonged to a Mr. Owens, of Charlottetown.

Q. How many trips did you make in her?—A. Three.

Q. Did you do pretty well?—A. Yes; reasonably well. I think that we got 290 barrels the first trip and something like 760 barrels during the three trips.

Q. Did you confine your fishing to the island?—A. No. We made the first trip in the Bay of Chaleurs right close inshore; and we caught the next two along the shores of the island and off Cape Breton and Nova Scotia.

Q. All close inshore?—A. Yes.

Q. In what vessel did you next go? In the Lettie?—A. Yes; and I went shore fishing at Rustico one summer. I was in charge of a stage for Mr. Hall.

Q. And after you had had charge of this stage, what did you do?—A. I went fishing in the Lettie.

Q. How many seasons did you stay in her?—A. Two.

Q. Did you make good catches in her?—A. Yes; we did very well.

Q. How many did you catch?—A. I think about 450 and 480 barrels.

Q. Each year?—A. Yes.

Q. Where did you catch them?—A. All inshore.

Q. In what vessel were you afterwards?—A. The George S. Fogg.

Q. An island vessel?—A. Yes; she was so then.

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Q. Was she a small or large vessel?—A. She was a large vessel—one of about 103 tons.

Q. How many trips did you make in her?—A. Two.

Q. How many fish did you catch?—A. I think about 700 and some odd barrels.

Q. Where were they caught?—A. All inshore.

Q. In what part of the Gulf?—A. Along Prince Edward Island. We got very few outside the three-mile limit.

Q. Were you in any other vessel? Were you in the Little Bell?—A. Yes.

Q. An island vessel?—A. Yes.

Q. Of how many tons was she?—A. I think about 38; she was a small vessel.

Q. And what did you catch in her?—A. We did not do much in her. We got 120 or 140 barrels.

Q. Why did you not do much?—A. It was a poor season, and the mackerel did not bite.

Q. And where did you take the fish which you caught?—A. We made the best of the catch in Antigonish Bay, off Cape George.

Q. How far off?—A. About a mile off shore.

Q. Having been for a good many years in the bay in American vessels, can you give the Commission an idea as to the number of American vessels which came down to fish there year after year, off and on?—A. It is pretty hard to tell that. I suppose some years there would be 100 sail, or 200, or 300 sail. I suppose that I have seen as many as 300 vessels at one time gathered together in one place in the bay.

Q. And you cannot tell how many vessels altogether have come down to the bay?—A. No; but I have seen as many as 300 vessels in one place at one time.

Q. What has been your experience, when you were fishing on British and American vessels, as to the distance that the fleet caught their fish off shore?—A. I may say that all the vessels I ever saw fishing caught their fish inside of three miles of the shore; very few were taken outside of that limit.

Q. But some were taken outside?—A. Of course; they might get some fish on Bradley and Orphan Banks, and while making the passage between East Point and the Magdalen Islands vessels may heave to and catch a few barrels.

Q. Some catches are made there, I believe?—A. Yes; but only while making the passage.

Q. What proportion of the whole catch was taken inshore, in your experience.—A. I could not tell you that, but almost all the fish I ever caught were taken inshore, inside of three miles off the coast.

Q. Do the American fishermen, when they come to fish, injure the boat-fishing?—A. Yes.

Q. How?—A. This is due to the fact of their having so much more bait than the boats, and by throwing it out; they glut the appetites of the mackerel.

Q. Do the boat fishermen like to see the vessels come?—A. No.

Q. They think that the coming of these vessels injures their prospects?—A. Yes; last week the vessels did a great deal of injury to our boats off New London.

Q. How?—A. By coming in and heaving out a great quantity of bait. Our boats did not have as much, and the vessel fishermen so glutted the mackerel that they would not bite.

Q. Speaking as a practical fisherman, if you were not allowed to come

within three miles of the shore in the bay of St. Lawrence to fish, would you invest money in the business?—A. No.

Q. Do you think that the Americans would come at all on our waters to fish if they were not allowed to fish within three miles of the shore?—A. I do not think that they would.

Q. Have you ever conversed with them on the subject?—A. Yes; and I have also been fishing with them within the limit when we were not allowed to fish inside of three miles from the shore.

Q. Were cutters in the bay at the time?—A. Yes.

Q. What did the American vessels do then?—A. When they saw the cutters I suppose they would leave.

Q. But the presence of the cutters did not prevent them from slipping inside of the limits to fish?—A. No; when a gun is fired, it frightens the mackerel, and makes them descend, and after such a thing happens they cannot be caught. I know that this is a fact, because I was witness of it and from having fired guns where they were.

Q. Will thunder have the same effect on these fish?—A. Yes; just the same effect.

By Mr. Dana:

Q. You said that the statement made by Captain Stapleton, of the Fashion, respecting the 4th of July, was not true?—A. Yes; and it was not true.

Q. What statement did he make respecting the 4th of July?—A. Whatever statement he made it was not true, for we were up in the Bay of Chaleurs on that 4th of July; on that very day.

Q. Is that the statement he made respecting it?—A. It is in that statement. I do not recollect it now, but I saw it last night.

Q. Do you remember just now when you said that it was not true?—A. Of course, I do not remember it very well, but I know that the statement which he made was not true.

Q. How do you know what statement he made?—A. Because I was with him.

Q. When he testified here as a witness?—A. I saw the statement last night.

Q. Where?—A. I had the statement with me, and I read it.

Q. Was it in print?—A. Yes.

Q. Would you tell us what it was that he said?—A. I forget what he said, but I know where he was, for I was with him that very day.

Q. Do you know where you were on the 4th of July that year?—A. Yes.

Q. Where did he say that he was?—A. I forget, but I know where we were. We were that day off Paspebiac.

Q. Did he say at all where he was on the 4th of July that year in the Fashion?—A. Yes; I saw it in the statement he made, and it is very untrue. There is hardly one word in his statement which is true, for I have been with him, and I ought to know.

Q. Is there anything in his statement relating to the Fashion, except a very few words in the early part of it?—A. There is hardly one word of truth in it.

Q. In the whole deposition?—A. Yes.

Q. How long a period of time does it cover?—A. It relates to the year when he was in the Fashion.

Q. Do you think that the whole deposition relates to the year when he was in the Fashion?—A. Yes; the first of it does.

Q. How much of it does so? A. Here is his first statement. He

stated that we commenced fishing off North Cape, but we never tried there at all.

Mr. DANA. The portion of the deposition in question is as follows:

Q. And thirteen years ago you commanded a vessel which was engaged in mackerel fishing?—A. Yes, she was called the Fashion.

Q. She was from Gloucester?—A. Yes.

Q. What was her tonnage?—A. I think it was somewhere about 46 tons. She was a small vessel.

Q. Who owned her?—A. George J. Marsh and Frank Holmes.

Q. During how many years were you in her?—A. I was in her one season.

Q. In what vessel did you next ship?—A. The Laura Mangan.

Q. Was she also from Gloucester?—A. Yes. George Marsh owned her.

Q. For how many years were you mackerel fishing?—A. I have been for ten years master of a vessel.

Q. In what year did you make your last mackerel trip?—A. In 1873.

Q. The year of the great gale?—A. Yes.

Q. Where did you fish when you fished for mackerel?—A. In the Bay of St. Lawrence, around the Magdalen Islands, and Banks Bradley and Orphan.

Q. Generally state what course you were expected to pursue when you left Gloucester on a trip to catch mackerel?—A. We used generally to run down the Nova Scotia shore and go through the Straits of Canso. We stopped, however, at this strait to get wood and water, and then proceeded up to North Cape in sight of Prince Edward Island, and off Bonaventure.

Q. Where did you begin to fish?—A. We generally used to try broad off North Cape—nearly northeast off North Cape on Prince Edward Island.

Q. Off which part of the island?—A. Off the northwest part.

Q. Where is Bonaventure?—A. It is over off the Gaspé coast. It is just outside of Gaspé.

Q. And how far from the land did you begin to fish off the North Cape?—A. The land would be just in sight.

Q. And how far off Bonaventure did you fish?—A. We used to run so as to see the hills.

Q. Is there a bank in this quarter?—A. Yes, Bonaventure Bank.

Q. How far from the land is it situated?—A. I should think that it is twenty miles off shore, or about that.

Q. Where did you go from Bank Bonaventure?—A. Well, we went down off the west shore, off what we call the Pigeon Hills; we would be about 12 or 15 miles off shore.

Q. Where are the Pigeon Hills?—A. On the Canadian shore at that point.

Q. How far would you be from the shore?—A. I should think about 15 miles.

Q. Would you lie off Shippegan?—A. We would be broad off Shippegan.

Q. And how far from the shore?—A. From 15 to 16 or 17 miles.

Q. Where did you go next?—A. About the 1st of July we generally struck up along the coast and across to Magdalen Islands. We generally calculated on fishing there on the 4th of July.

Q. Did you understand he stated that he was in the Fashion that year off the Magdalen Islands?—A. We were then in the Bay of Chaleurs.

Q. Did you understand he swore he was in the Fashion at the Magdalen Islands on the 4th of July?—A. Yes.

Q. Who told you so?—A. It is in this statement.

Q. Do you understand that he refers to the Fashion?—A. Yes.

Q. Did you read all the statement of Mr. Stapleton yourself?—A. Yes.

Q. Of how many pages did it consist?—A. I could not tell you.

Q. Did it consist of more than one?—A. I cannot tell you whether I read one page.

Q. Did you read one whole page of it?—A. I do not know as I did.

Q. Did you read two pages of it?—A. I could not tell you whether I read one or two pages of it.

Mr. DANA. There are ten pages in this deposition, and I read what he says about the 4th of July, but there is nothing in it about the Fashion, except in his first few answers. He was then asked about his ten years' experience.

Mr. DAVIES. Do you state that to the Commission as a fact?

Mr. DANA. I speak of what is here.

Mr. DAVIES. I think that his general statement includes the year when he was in the Fashion.

Mr. DANA. That is matter of argument.

WITNESS. I can give you a better statement about the year when I was in the Fashion. I can just tell you all about it.

Mr. DANA. The deposition in this respect is as follows :

Q. And thirteen years ago you commanded a vessel which was engaged in mackerel-fishing?—A. Yes. She was called the Fashion.

Q. She was from Gloucester?—A. Yes.

Q. What was her tonnage?—A. I think it was somewhere about 46 tons. She was a small vessel.

Q. Who owned her?—A. George J. Marsh and Frank Holmes.

Q. During how many years were you in her?—A. I was in her one season.

Q. In what vessel did you next ship?—A. The Laura Mangan.

Q. Was she also from Gloucester?—A. Yes. George Marsh owned her.

Q. For how many years were you mackerel-fishing?—A. I have been for ten years master of a vessel.

Q. In what year did you make your last mackerel trip?—A. In 1873.

Q. The year of the great gale?—A. Yes.

Q. Where did you fish when you fished for mackerel?—A. In the Bay of Saint Lawrence, around the Magdalen Islands, and Banks Bradley and Orphan.

Q. Generally state what course you were expected to pursue when you left Gloucester on a trip to catch mackerel?—A. We used generally to run down the Nova Scotia shore and go through the Straits of Canso. We stopped, however, at this strait to get wood and water, and then proceeded up to North Cape in sight of Prince Edward Island, and off Bonaventure.

Q. Where did you begin to fish?—A. We generally used to try broad off North Cape—nearly northeast off North Cape on Prince Edward Island.

Q. Off which part of the island?—A. Off the northwest part.

Q. Where is Bonaventure?—A. It is over off the Gaspé coast. It is just outside of Gaspé.

Q. And how far from the land did you begin to fish off the North Cape?—A. The land would be just in sight.

Q. And how far off Bonaventure did you fish?—A. We used to run so as to see the hills.

Q. Is there a bank in this quarter?—A. Yes; Bonaventure Bank.

Q. How far from the land is it situated?—A. I should think that it is twenty miles off-shore, or about that.

Q. Where did you go from Bank Bonaventure?—A. Well, we went down off the west shore, off what we called the Pigeon Hills: we would be about 12 or 15 miles off shore.

Q. Where are the Pigeon Hills?—A. On the Canadian shore at that point.

Q. How far would you be from the shore?—A. I should think about 15 miles.

Q. Would you lie off Shippegan?—A. We would be broad off Shippegan.

Q. And how far from the shore?—A. From 15 to 16 or 17 miles.

Q. Where did you go next?—A. About the 1st of July we generally struck up along the coast and across to Magdalen Islands. We generally calculated on fishing there on the 4th of July.

Q. What did you next do?—A. We always finished up the season at the Magdalen Islands; and along late in the fall we would go to Margaree and Cheticamp. We would probably stay there for a week or ten days.

Q. During how many years did you successfully follow the mackerel fishery?—A. I was master of a vessel during ten seasons.

Q. And during these 10 seasons, how far from the shore did you take the greater part of your fish?—A. We got the most of them off shore—10, 12, 15, or 16 miles off shore.

I think I am perfectly correct in saying that this is a general statement, and I don't think that my learned brother will deny it. It does not specify the Fashion.

Q. Do you know what Mr. Stapleton did after he left the Fashion during the ten years that he was master of the vessel?—A. No.

Q. You do not pretend to contradict that?—A. No.

Q. Did you yourself read any of this printed statement?—A. Yes.

Q. Was any statement made to you as to what he had stated?—A. No; I saw what he stated.

Q. And you think that you did not read a page of his statement?—A. Yes.

Q. And when you say he did not speak the truth about the 4th of July, you meant to say that the Fashion was not off the Magdalen Island on the 4th of July?—A. No; she was not. I know as well as I know that I am sitting here that she was not.

Q. How old were you when you were on board of the Fashion?—A. I suppose that I was about 17.

Q. On what fishing voyages had you previously been?—A. I was on a vessel owned in Boston, and on an island vessel; I know that this was 18 years ago this summer. One vessel was called the Corsair. This was the first vessel in which I ever was.

Q. How long were you in her?—A. I went in her some time in July, and I remained in her until September.

Q. You were in her for about two months?—A. I think so.

Q. In what capacity?—A. As a fisherman.

Q. And you were then about 15 years of age?—A. I was 16 or 17.

Q. What was the name of the next vessel in which you were?—A. The Idaho, an island vessel.

Q. Where was she owned?—A. In Charlottetown.

Q. How long were you in her?—A. About three months, I think.

Q. In what capacity?—A. As a fisherman. I went up nor'ard in her seining.

Q. Where did you go in the Boston vessel?—A. In the Bay of Chaleurs, and all around Prince Edward Island.

Q. Did you return to Boston in her?—A. No; I was discharged on the island.

Q. And then you went mackerel-fishing for two or three months in the Idaho?—A. Yes.

Q. Did you leave her in Charlottetown?—A. Yes.

Q. Where did you ship on the Boston vessel?—A. At Rustico.

Q. Then you had about two months' experience on the Boston vessel, and two or three months' experience on an island schooner; now, do you say that under these circumstances you took charge of the Fashion?—A. No; I had no charge of the Fashion, but I had to take charge of her.

Q. Did you take her out of the captain's hands?—A. Yes; I had to so.

Q. Did you do this at his request?—A. We had to look out for ourselves and do the best we could.

Q. Did the crew ask you to take charge of her?—A. No; the captain went to bed and we had to take charge of her.

Q. Were there other people on board of her from the provinces?—A. There were other people on board who belonged to Gloucester.

Q. How many of the crew belonged to the provinces?—A. I cannot exactly tell.

Q. How many were on board altogether?—A. I think 14; 14 or 15. I do not think that there were any on board from the island, myself excepted; but there might have been one or two.

Q. Were you the oldest man on board?—A. No.

Q. Were you the youngest?—A. I might have been.

Q. Were there any people from British America on board besides yourself?—A. There were some Nova Scotia people, I think.

Q. How many?—A. I cannot say.

Q. Were they fishing before that?—A. Yes; I think so.

Q. Were there on board men from the States and other countries?—A. I could not tell you where they were from.

Q. And they did not ask you to take charge of the vessel?—A. A

Q. And the captain did not do so?—A. No; I know that the first day we went out he went to bed.

Q. Did he lie abed the whole trip?—A. Well, he fished sometimes.

Q. When did he turn out?—A. Perhaps he did so that day or that night; I never kept any count in this respect.

Q. But you were on board?—A. Yes.

Q. And the captain may have turned out during the night?—A. Yes; for all I know.

Q. Did he not take any charge of his vessel after that night?—A. No.

Q. What do you mean when you say that you had to take charge of the vessel?—A. Well, I brought the vessel to Canso.

Q. Did you navigate her?—A. Yes.

Q. Do you know anything about navigating at sea?—A. Yes.

Q. Did you know anything about it then?—A. No; I navigated her out of my own head. I took a table-fork, and breaking off the third prong, made the voyage with its aid. We had no dividers on the vessel. I shipped in her among the rest of the fellows, and the poor fellow Stapleton knew nothing about the vessel, or where to bring her, nor did I at the same time.

Q. How, then, did you get anywhere?—A. When we got outside I undertook to manage her.

Q. And then you knew nothing about navigation?—A. No; nothing.

Q. And you did not have a pair of dividers aboard?—A. No. I made a pair, however, out of a three-pronged fork, and brought her into Canso.

Q. Did you not ask any of the other men to help you?—A. I do not know that any of the crew were older than I.

Q. And you were 17, at the most, at the time?—A. I suppose that I was 17 or 18.

Q. When were you born?—A. I cannot tell you exactly, but I was 32 years of age last June.

Q. You state that you were probably the youngest on board, and you did not ask any older persons to help you?—A. No.

Q. Do these vessels have an extra master called the mate?—A. No; no vessel in which I have ever been has had one.

Q. They have only a master and man?—A. Yes.

Q. Who keeps watch when the master is not on deck?—A. They generally set a watch of two men at a time.

Q. Where did you ship on board of the Fashion?—A. At Gloucester.

Q. How did you get to Gloucester?—A. I was in Virginia that winter, and I came down to Gloucester in the spring.

Q. What were you doing in Virginia?—A. Lumbering.

Q. Did you go there by sea?—A. Yes; I sailed on board of a brig owned in Boston, and went to Baltimore.

Q. How did you come to Gloucester from Virginia?—A. By train.

Q. How long were you engaged in lumbering?—A. All the winter. I was working at a place called Murray Creek.

Q. To what port did the ship in which you had been go?—A. I cannot say. I went to Baltimore in this bark; I left her there, and have not seen her since. I went from Baltimore to work at lumbering.

Q. How far were you then from Baltimore?—A. Forty or fifty miles, I think.

Q. Was the war over at that time?—A. No.

Q. Were you in the lines of the rebels or of the government?—A. I was employed by a company of Charlottetown, opposite Boston. I was on the northern side of the line.

Q. And on coming to Gloucester you shipped on this vessel?—A. Yes; on this famous Fashion.

Q. Did you make any observation while on board?—A. No.

Q. Did you get the sun?—A. No; we did not want it.

Q. You did not know how to do so?—A. Yes.

Q. Could you have done so?—A. Yes.

Q. Had you ever used a quadrant or sextant?—A. Yes; a quadrant. I did not know how to do so before, but I since have known how.

Q. But you did not before that voyage?—A. I do not think so.

Q. And you think that you could have used one and found the sun?—A. I think that if it had came to a pinch, I would have done so.

Q. And then you think that you would have found your place on the chart with a quadrant, which you had never previously used?—A. I did not want to find a place on the chart with a quadrant.

Q. Did you not want to find your latitude? What is a quadrant used for?—A. It is used to take the sun, and to learn where you are.

Q. Which way; north and south?—A. Yes.

Q. Have you learned that since?—A. Yes.

Q. Do you know how to use a quadrant now?—A. I think that I do.

Q. I want you to consider whether you are willing to say, under your oath, that you took charge of that vessel, and navigated her from Gloucester down to the bay?—A. Yes. I have testified to that now. I brought that vessel from Gloucester to Canso, and from Canso to the bay, and back home again in the fall.

Q. You did?—A. Yes.

Q. What was the captain doing all that time?—A. He was in his bunk.

Q. During the whole voyage?—A. Yes.

Q. Out and back?—A. That is near about it. I was very happy to get his statement when I got here.

By Mr. Davies:

Q. During how many years have you been captain of a vessel?—A. I went in 1870 as master of a vessel.

Q. And have you been master of a vessel ever since?—A. Yes.

By Mr. Foster:

Q. For how many years were you a fisherman before you became a captain?—A. I think about three years.

Q. You do not think that the period from 1864 to 1870 comprises three years?—A. I think it was about three years; and if he was here to-day I do not suppose that he could contradict my statement.

No. 62.

JOHN D. MACDONALD, farmer and fisherman, of Souris, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty was sworn and examined.

By Mr. Davies:

Question. What is your age?—Answer. I am about 39.

Q. Have you been fishing much during your life?—A. Yes; considerable.

Q. For how many years?—A. Ten or eleven.

Q. Have you been boat or vessel fishing?—A. I have been vessel-fishing.

Q. In American or in island vessels?—A. In both.

Q. In which did you first go fishing?—A. In American.

Q. When?—A. In 1862.

Q. In what vessel did you then ship?—A. In the Fanny R., of Gloucester.

Q. Where did you go in her?—A. Into the North Bay, the Gulf of St. Lawrence, and British waters. I shipped from Gloucester.

Q. How many trips did you make that year?—A. One.

Q. How many barrels did you catch?—A. 180.

Q. Where did you fish?—A. At the Magdalen Islands and up on the north side of Prince Edward Island.

Q. Did you finish the season in her?—A. No.

Q. What did you do next?—A. I shipped in a vessel called the Empire State the same season.

Q. Was she from Gloucester?—A. Yes.

Q. Who was her captain?—A. Stephen Smith.

Q. Did you finish the season in her?—A. Yes; in one trip.

Q. How many barrels did you take?—A. 300.

Q. Where?—A. Off Sydney, Cape Breton.

Q. How far from the shore?—A. About $1\frac{1}{2}$ miles.

Q. Did you take any outside of three miles from the shore?—A. No.

Q. I understand that all the mackerel taken about Cape Breton are caught within three miles of the shore. Is that correct, in your experience?—A. Yes, it is. All the fish there are taken handy to the shore, within $1\frac{1}{2}$, and perhaps 2 miles of it.

Q. Then do you mean to say that you took all your mackerel within 2 miles of the shore?—A. Yes.

Q. Where did you go then?—A. I again went in the Empire State.

Q. What did you get?—A. Six hundred barrels in two trips.

Q. Where did you fish?—A. We came up to the Bay of Chaleurs, and up the River St. Lawrence. We took the balance of the first trip around the Magdalen Islands.

Q. Where did you secure the second trip?—A. Off Sydney.

Q. How many did you then take?—A. We got about 300 barrels each trip.

Q. When you fished in the Bay of Chaleurs how far from the shore did you catch the fish?—A. Between two and two and a half miles from it, I judge.

Q. Did you fish in the center of the bay?—A. No.

Q. During the years you have been fishing have you been much in the Bay of Chaleurs?—A. Yes, considerably.

Q. When there, where did you fish?—A. Along about $1\frac{1}{2}$, 2, or $2\frac{1}{2}$ miles from the shore on each side of the bay. We generally fished on the north side of it.

Q. And then you went up the river St. Lawrence?—A. Yes.

Q. Where do you catch the fish there?—A. Along the west shore.

Q. Past Gaspé?—A. Yes. We go up as far as Magdalen River, and catch the most of them there, between that and Griffin's Cove. They fish there to anchor altogether.

Q. How far from the shore?—A. About one mile.

Q. Around that coast the fish, I believe, are all taken within a mile of the shore. Am I correct in so stating it?—A. Yes; you are.

Q. You got some fish at the Magdalen Islands, and the others—where? At Sydney?—A. Yes. We made the last trip of all at Sydney.

Q. And you caught all the fish inshore?—A. Yes.

Q. And what proportion of the first trip did you obtain inshore?—A. About two-thirds.

Q. Did you get many fish at the Magdalen Islands?—A. We obtained over 100 barrels; about 150 barrels.

Q. About one-half of the first trip was taken at the Magdalen Islands, and the whole of the second at Sydney, and all the fish were caught inshore?—A. Yes.

Q. Were there many American vessels in the bay in 1863?—A. Yes; a good many.

Q. How many?—A. Between 500 and 600, but I cannot exactly state the number.

Q. Were you pretty well acquainted with the vessels, and did you go much among their captains and crews?—A. Yes; considerably.

Q. Is it not customary for the fishermen to compare notes of their different voyages?—A. Yes; this is done very often.

Q. I believe that you hardly ever meet a vessel without inquiring what she has got, and what her catch has been, &c.?—A. Yes.

Q. Are you thus enabled to state somewhere about the average catch of the fleet that year?—A. I should judge that the average that year was about 500 barrels.

Q. In what vessel did you go in 1864?—A. The General Burnside.

Q. What was the captain's name?—A. Saul Frielich.

Q. Was she from Gloucester?—A. Yes.

Q. How many trips did you make in her?—A. I made one trip in her.

Q. How many barrels did you take?—A. About 320, I think.

Q. Where did you catch them?—A. We got most of them on the west shore of Prince Edward Island, between the North and West Cape.

Q. Did you catch any off Cape Breton?—A. Yes, about fifty barrels.

Q. You do not seem to have done as well as usual that year?—A. No, we did not.

Q. Why not; 1864 was a good year?—A. We fished off in deep water, or did so at first. She was a large vessel, and the captain kept out in deep water on Bradley and Orphan Banks.

Q. Did you do well there?—A. No; we got none at all hardly there; we only obtained a few.

Q. How long did you remain there?—A. About three weeks.

Q. Did you remain there because she was a large vessel?—A. I do not know that, but we supposed so.

Q. A large vessel cannot come inshore as safely as a small one?—A. No.

Q. Whatever the cause, you kept off shore on Banks Bradley and Orphan during two and three weeks, and got nothing?—A. Nothing to speak of.

Q. And then you came inshore to fish?—A. Yes.

Q. Was your catch below the average?—A. Yes.

Q. A long way below it?—A. Yes.

Q. What would be the average catch that year?—A. About 500 barrels. All the vessels did well that year.

Q. And do you attribute the fact that your catch was below that average to the circumstance, that you staid so long on Banks Bradley and Orphan?—A. We blamed that for it anyhow; and we got no fish there.

Q. In what vessel did you go next year?—A. The Aphrodite.

Q. Was she from Gloucester?—A. Yes.

Q. What was the captain's name?—A. R. Macdonald.

Q. He must be an island man?—A. No; he was from Liverpool, S.

Q. How many barrels did you take?—A. 620 or 630.

Q. How many trips did you take?—A. Two.

Q. Where did you take them?—A. Around the island, in the Bay of Chaleurs, and off Cape Breton.

Q. What quantity did you take inshore and how much outside?—A. We took about two-thirds inshore, within the three-mile limit.

Q. Where have you taken fish beyond the three-mile limit?—A. On Bank Bradley and broad off the Magdalen Islands, say, about six or eight miles.

Q. And about two-thirds of the fish were taken inshore along Prince Edward Island and in the Bay of Chaleurs and off Cape Breton?—A. Yes.

Q. Were there many American sail in the bay that year?—A. Yes; a great many.

Q. Were there more or less than during the previous year?—A. The number was about the same, I judge.

Q. How many American vessels would you say were there?—A. About 500 or 600.

Q. And you caught that year about 630 barrels?—A. Yes.

Q. Was that a fair average, or was it above or under a fair average?—A. It was about a fair average, I think.

Q. Where were you in 1866?—A. In the Colonel Cook.

Q. Where was she from?—A. Gloucester.

Q. Who was her captain?—A. George Beers.

Q. How many barrels did you take in her?—A. Six hundred and twenty.

Q. How many trips did you make?—A. Two.

Q. Where did you catch them?—A. We took the first trip in the Bay of Chaleurs, off the Magdalen Islands, and around Prince Edward Island. We obtained about 100 barrels off the island.

Q. Where did you secure the second trip?—A. Around Prince Edward Island and off Margaree.

Q. Did you catch your second trip as close inshore as the first?—A. We took it nearer the shore than the first.

Q. Do the mackerel come quite close inshore in the fall?—A. Yes.

Q. This is the general rule?—A. Yes.

Q. And are fall mackerel the best mackerel?—A. Yes.

Q. And by far the best?—A. O, yes.

Q. And do you think that all the fish caught by the fleet on the second trip are taken inshore?—A. I think so. This was the case with all I ever so caught.

Q. Of the first trip, a portion, more or less, is taken outside, off Bank Bradley and the Magdalen Islands, and the whole of the second trip, speaking in general terms, is taken inshore?—A. Yes.

Q. In what vessel were you in 1867?—A. In the Ratler.

Q. Where was she from?—A. Gloucester.

Q. How many trips did you make in her?—A. Two.

Q. How many barrels did you take?—A. About 650.

Q. Where were they caught?—A. Some in the Bay of Chaleurs and some up the River St. Lawrence; some near the Madeline River, and others off the Magdalen Islands, Cape Breton, and Prince Edward Island. In fact, we were all over the ground that year.

Q. Of these 620 barrels how many were obtained inshore?—A. I can safely say that about two-thirds were so caught.

Q. Were there many American vessels in the bay that year?—A. Yes.

Q. Was there a large fleet?—A. Yes.

Q. About how many were there?—A. 500 or 600.

Q. Was your catch about an average catch?—A. Yes; we did fairly well.

Q. Where did you go in 1868?—A. I was in the Cadette.

Q. Was she also from Gloucester?—A. Yes.

Q. How many trips did you make in her?—A. Two.

Q. How many barrels did you catch?—A. 600, more or less.

Q. Where did you take them?—A. Around Prince Edward Island, and off the Magdalen Islands and Cape Breton.

Q. What proportion were taken inshore?—A. About two-thirds.

Q. Was this about an average catch?—A. Yes.

Q. During the years when you were fishing, of course you saw a good many American vessels fishing alongside of you?—A. Yes.

Q. Did they catch fish in the same places which you frequented?—A. Yes; they did.

Q. And at the same distance, as a rule, from the shore?—A. Yes.

Q. Have you seen many vessels catch fish off Banks Bradley and Orphan? Do many attempt to do so?—A. When I used to be there, we perhaps would see fifteen or twenty sail there.

Q. Out of the 500 or 600 in the bay?—A. Yes.

Q. They were trying to catch fish there?—A. Yes; that is about as big a fleet as I have ever seen on Banks Bradley and Orphan. These vessels would be scattered around.

Q. Would they remain there long?—A. No.

Q. What has been your experience as to the value of Banks Bradley and Orphan, as fishing grounds, compared with the inshore fisheries?—A. I do not call them good fishing grounds, because I have never caught many mackerel on them.

Q. I have heard it stated here in evidence that some vessels have taken catches outside in the bay in deep water?—A. I do not know that this is the case, I am sure.

Q. It has not come within your knowledge?—A. No.

Q. Have you conversed much with Americans as to the value of our inshore fisheries? Have you heard their captains speak with reference to them and the quantities they took?—A. No, I do not know as I have.

Q. Were you here when the cutters were on the coast?—A. Yes.

Q. Did you keep outside of the three-mile limit all the time?—A. No; we did not.

Q. What used you to do?—A. We used to fish inshore.

Q. And when the cutters hove in sight what did you do?—A. We then jogged off.

Q. Did you fish in American vessels after 1868?—A. No.

Q. Did you, after 1868, fish in English vessels?—A. Yes.

Q. In what vessels?—A. The Margaretta and the Adele.

Q. Where?—A. Around Prince Edward Island.

Q. Was the Margaretta a small vessel?—A. Yes; she was of about 25 or 30 tons.

Q. And when you fished around the island, did you catch your fish at about the same distance from the shore as you have mentioned?—A. Yes; we got them all inshore.

Q. There is a very large boat fishing prosecuted about Prince Edward Island?—A. Yes.

Q. Where do the boats catch their fish?—A. All inshore.

Q. Taking into consideration the boat and vessel and all the fisheries, what proportion of the whole catch of mackerel is taken inshore, around

Prince Edward Island, Cape Breton, and in the Bay of Chaleurs ?—A. I think that nine-tenths, anyhow, are taken inshore.

Q. Would you like to fit out a vessel to come to the bay, if you did not have the right of coming inshore at all to fish ?—A. No; I would not.

Q. Do you think that anybody would make the venture under such circumstances ?—A. No; I do not think so.

By Mr. Foster :

Q. I notice that you seem to have gone to the Magdalen Islands every year when you were in American vessels ?—A. Yes.

Q. In 1862, you were in the Fanny R. ?—A. Yes.

Q. What was the name of her captain ?—A. John Dicks.

Q. What was your total catch at that time ?—A. 180 barrels.

Q. Did you get them all at the Magdalen Islands ?—A. No.

Q. How many did you catch there ?—A. About 40 barrels.

Q. Did you go to Banks Bradley and Orphan that year ?—A. No.

Q. Where did you go from the Magdalen Islands ?—A. To Prince Edward Island.

Q. And did you take the remainder of your catch there ?—A. Yes.

Q. What was the tonnage of the Fanny R. ?—A. About 95.

Q. And do you wish the Commission to understand that all the mackerel which you caught in that vessel of 95 tons, off Prince Edward Island, were taken within three miles of the shore ?—A. Yes; I think that this was the case.

Q. You did not, by any accident, get any outside ?—A. I do not think so.

Q. How far out was the farthest distance at which you caught any of them ?—A. Well, I do not know. It would be pretty hard to tell that. We used to heave to about a mile from shore and drift off, when the wind was off the land. We would drift off to about 2 or 2½ miles, or thereabouts, or perhaps as far as 3 miles off shore. We would then lose the school, and getting under weigh, we would stand inshore again, and drift off again, if the wind was off the land.

Q. And you got the whole of the fish within 3 miles of the shore ?—A. Yes.

Q. And the whole of your second trip that year was taken off Sydney ?—A. Yes.

Q. And all close inshore; how near to it ?—A. Within a mile or 1½ miles of it.

Q. How near to the shore could you go in that vessel ?—A. Within half a mile of it, I think.

Q. What was the tonnage of the Empire State ?—A. About 95.

Q. And in the following year, 1863, you made two trips, and went to the Magdalen Islands; how many did you catch there ?—A. On the first trip we got about 150 barrels off the Magdalen Islands, I would think.

Q. Did you go to the Magdalen Islands more than once that year ?—A. Yes.

Q. When did you go there the second time that year ?—A. While on the fall trip.

Q. How many fish did you catch off the Magdalen Islands on the fall trip ?—A. None.

Q. Did you go to Banks Bradley and Orphan that year ?—A. We did during the spring and first trip.

Q. What luck did you have ?—A. We did not get any there.

Q. What was the tonnage of the General Burnside ?—A. About 145.

Q. And you say that her captain, Saul Frielich, kept offshore more than the others?—A. Yes.

Q. When did you begin to fish with him?—A. In July.

Q. And where did you fish?—A. Off the Magdalen Islands.

Q. Did you go straight there?—A. Yes.

Q. Without pausing to fish anywhere else?—A. Yes.

Q. How much did you get?—A. We took no fish there to speak of; we may have caught 15 or 20 barrels, or some number like that.

Q. Did you try fishing off Banks Bradley and Orphan?—A. Yes; we struck right across to there.

Q. Did you get nothing there?—A. Nothing to speak of; we picked up 5, 6, 7, or 8 barrels in a day for a fortnight or three weeks.

Q. How many barrels did you take on the first trip with Frielich?—A. 320, I think; we then only made one trip, and we carried 900 empty barrels.

Q. Back?—A. Yes.

Q. Did you try everywhere for fish?—A. Yes; on Banks Bradley and Orphan.

Q. Where did you go from Banks Bradley and Orphan?—A. We went to Prince Edward Island.

Q. Did you fish there within three miles of the shore?—A. Yes.

Q. All the time?—A. Yes.

Q. How long did you stay there?—A. About two weeks, I suppose.

Q. How many fish did you catch?—A. About 200 barrels.

Q. How many barrels had you on board before you took these?—A. Something like 20 or 30 barrels.

Q. Why did you leave the north side of the island; was the fishing poor?—A. We left with a breeze, a northwest wind, and came down to Cape Breton and fished there a spell.

Q. How many fish did you catch off Cape Breton?—A. We caught the balance of the trip there.

Q. How many was that?—A. I do not know exactly; but it was over 100 barrels.

Q. And what was your total catch?—A. 320 or 330 barrels.

Q. And you caught about 20 or 30 barrels off the Magdalen Islands and on Banks Bradley and Orphan?—A. Yes.

Q. Then comes 1865, when you made two trips; how many did you then take at the Magdalen Islands? You were at the time in the *Aphrodite*?—A. Yes; we took about 100 barrels there.

Q. During the first trip?—A. Yes.

Q. Did you go there on your second trip?—A. Yes; and we got about 30 or 40 barrels.

Q. How many did you obtain on Bank Bradley?—A. None at all. We caught the balance of the trip off Prince Edward Island.

Q. Did you go to Banks Bradley and Orphan on the second trip?—A. No.

Q. In 1866 you made two trips in the *Colonel Cook*?—A. Yes.

Q. Did you then go to the Magdalen Islands?—A. Yes.

Q. How often?—A. Twice.

Q. How many did you get on the first trip?—A. About 150 barrels.

Q. And How many on the second trip?—A. About 30 barrels.

Q. What did you get on Banks Bradley and Orphan during the first trip?—A. Nothing.

Q. And how many did you catch there on the second trip?—A. Nothing.

Q. In 1867, you were in the *Ratler*?—A. Yes.

Q. And in her you say you fished over all the ground?—A. Yes.

Q. Where did you begin fishing in her?—A. In the Bay of Chaleurs.

Q. How many did you catch there?—A. Between 50 and 100 barrels.

Q. Where did you go next?—A. Up the river St. Lawrence to Magdalen River.

Q. Where is that?—A. Near Cape St. Anne, on the west shore. It is situated near the mouth of the Quebec River.

Q. How many did you catch there on the south side of the St. Lawrence?—A. About 150 barrels.

Q. Where did you go then?—A. Across to the Magdalen Islands.

Q. How many did you catch there?—A. About 50 barrels.

Q. Where did you next go?—A. To Prince Edward Island.

Q. Did you not stop at Banks Bradley and Orphan?—A. We tried there as we went along and as we were crossing over to the Magdalen Islands from Magdalen River, but we did not take any mackerel to speak of; we would heave to and get a few.

Q. Did you transship?—A. Yes.

Q. Where?—A. At Charlottetown.

Q. When did you commence your second trip?—A. About the last of August or the 1st of September.

Q. Did you go to the Magdalen Islands?—A. Yes.

Q. Did you begin your fishing there?—A. No; we first fished on Fisherman's Bank, on the south side of the islands, and then we fished around East Point of Prince Edward Island, and from thence we went to the Magdalen Islands.

Q. How many barrels did you get on Fisherman's Bank?—A. About 30.

Q. Have you ever been to Fisherman's Bank, that year excepted?—A. No; that was the first and last time.

Q. How many fish did you take at the Magdalen Islands?—A. I do not know exactly; but we did not get many there that trip. We, however, got a few—perhaps 35 or 30 barrels. I am not positive about the number, but we certainly did not catch a great many there.

Q. Those American vessels in which you fished had poggy bait?—A. Yes, mostly.

Q. Altogether?—A. Almost altogether.

Q. 1868 was the last year you were in an American vessel?—A. Yes. I was in the Cadet, from Gloucester.

Q. Where did you go in the Cadet?—A. We fished round the island and the Magdalens.

Q. How much did you catch at the Magdalen Islands?—A. Of the whole year's fishing, we got about 150 barrels.

Q. And how much was the total catch for the year?—A. About 600.

Q. Did you go to Bradley and Orphan then?—A. No; we were up to Bay Chaleurs, though.

Q. You got some there?—A. About 100 barrels.

Q. What years were they that the cutters disturbed you?—A. The years I was in American vessels.

Q. How many years?—A. I think every year I have been in American vessels.

Q. That the cutters disturbed you?—A. No; not every year; no, no.

Q. What were the years you were in American vessels that you were interfered with?—A. Eighteen hundred and sixty-three is one.

Q. What cutter troubled you then?—A. The English cutter.

Q. What was her name?—A. I don't know.

Q. Who was your master then?—A. In 1863, Stephen Smith.

Q. What did the cutter do to you then?—A. She did nothing; but when we would see her coming we would have to keep clear.

Q. That was in the Empire State?—A. Yes.

Q. You are quite sure you saw a cutter then?—A. I think so.

Q. Well, what other years were you troubled with cutters?—A. 1864 and 1865.

Q. Do you remember them?—A. Yes, sir.

Q. Who was your captain when the cutters troubled you?—A. Saul Felix.

Q. What did they do?—A. They did no more than only when we would see them we would knock off fishing, if we were fishing inshore, and steal off.

Q. Was that a good deal of inconvenience?—A. Yes.

Q. It interfered with the comfort of the voyage and its success?—A. Yes.

Q. Was the fishing disturbed in 1866 and 1867? Do you remember the cutter those years?—A. O, yes.

Q. Do you remember any year when your captain had a license?—A. No, I don't remember any.

Q. You never heard of it?—A. I heard of them.

Q. But you don't know whether he had one or not?—A. No; I don't know.

Q. Now, are you as sure about being disturbed by cutters in 1863, 1864, and 1865, when you were in the Empire State, the General Burnside, and the Aphrodite, as you are about the rest of your statements?—A. Yes.

Q. That is just as clear as that you caught the greatest part of your mackerel within three miles of the shore?—A. Yes.

Q. Well, I don't want to catch you, but if you have any explanation I wish you to make it. You have stated that you were disturbed in 1863, 1864, and 1865. Now, these were the years of the Reciprocity Treaty. Mr. Davies will tell you there was not a cutter on the whole coast of British North America, and the United States vessels had a right to fish anywhere they pleased. Just think a bit and make your explanation. You have been pursued by cutters, according to this, three years under the Reciprocity Treaty, when the United States had a right to visit inshore. Now, you did not dream that. Explain it?—A. There were cutters there. There was one.

Q. What was she doing?—A. She was keeping the fishermen off the shore-fishing.

Q. All those years?—A. Yes.

Q. Are you sure of it?—A. I am certain of it.

Q. You are just as sure of that as you are as to where you caught your mackerel?—A. Yes.

By Mr. Davies:

Q. Were you ever in the hands of a cutter at all, your vessel?—A. No.

Q. You are only speaking of what you recollect, and you thought you saw them?—A. Yes.

Q. You are evidently mistaken. Do you still think there were cutters there then?—A. There were.

Q. During those years you were in the Empire State in 1863 and the following years, in the General Burnside in 1864 and 1865, you have already stated that you caught your fish in around the shores those years?—A. Yes.

Q. So that if the cutters were there they did not disturb you then ?—

A. No.

No. 63.

PETER S. RICHARDSON, of Chester, in the county of Lunenburg, N. S., fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined :

By Mr. Weatherbe :

Question. You have been a good many years in American fishing vessels ?—Answer. Yes, sir.

Q. During what years ?—A. As nearly as I can judge from 1860 up to 1874, along there, and after.

Q. I took down a list from you of the vessels you have been in—about twenty altogether ?—A. Yes, sir.

Q. You might give me the names, if you recollect ?—A. The first vessel I was in was the Benjamin Franklyn.

Q. The Diamond was the first ?—A. Yes.

Q. In 1860 you were in the Diamond, in 1861 in the Nebraska, in 1863 the Mesina and the Corporal Trim, in 1864 in the Prince of Wales and the Harvey C. Mack, in 1867 in the Everett Steele and the Carrie S. Doyle, in 1868 in the Sam Crowell and the Sea Queen, in 1869, I don't know that I have the vessel you were in that year ?—A. The Sultana.

Q. In 1865 you were in the Henry A. Johnson, in 1866 in the Sunny-side and Rattler, in 1869 in the A. J. Franklyn, Elisha Crowell, and the William J. Dale, in 1876 in the Massasoit and the Ernest F. Norwood. You are not quite certain with regard to the dates ?—A. No.

Q. But as nearly as you can recollect, is that correct ?—A. Yes.

Q. You were in those American fishing vessels ?—A. Yes.

Q. I believe one of your vessels was captured.—A. The A. J. Franklyn ; she was captured in 1869 by Captain Tory.

Q. You were fishing for mackerel ?—A. Yes.

Q. Had you completed your fare when you were taken ?—A. We were on our passage home, at the Strait of Canso.

Q. He had overhauled you somewhere previously.—A. Yes ; he boarded us before ; about eight days before.

Q. You had escaped.—A. Yes.

Q. And on your way home, when you were at the wharf, he went on board ?—A. We were lying in the stream.

Q. I believe you thought it was not quite fair ; he gave you no warning ; you were asleep at the time you were taken ?—A. Yes.

Q. How long before that had he seen you ?—A. About eight days.

Q. Did you go on fishing ?—A. Yes ; we went on fishing.

Q. You went away on coast of Cape Breton.—A. Yes.

Q. You ran over to Prince Edward Island ?—A. Yes.

Q. Now, during any of those years that were mentioned had you any license ?—A. Not that I remember.

Q. You don't remember having any license at all ; did you ever hear of them ?—A. Yes ; I heard.

Q. Why did you not take them ?—A. Because I thought we would catch our trip without them.

Q. The next year after the Franklyn was taken, what vessel were you in ?—A. As near as I can judge, the Sea Queen—excuse me ; I made a mistake ; the next year after the Franklyn was seized, I went in the Elisha Crowell. I was master of her myself.

Q. You went back to Gloucester after your vessel was seized in 1869,

to the owners, Whalen and Allen, a Gloucester firm, and engaged to come out into the gulf as master of their American vessel, the *Elisha Crowell*. Now, I suppose they knew your vessel had been seized?—A. I expect they did.

Q. What directions did they give you; did they tell you to keep out three miles?—A. No; but they told me to mind and not let myself be taken by a cutter.

Q. So you came down? Did you get a good fare?—A. Yes.

Q. How many trips?—A. I came down late and only made one trip. I came down on the 28th day of August.

Q. Did you see a cutter?—A. Yes, sir.

Q. How did you manage to escape?—A. Hoisted sail and left.

Q. How often did you see her?—A. I could not rightly say how often.

Q. I only want to know whether you saw her once?—A. I can safely swear I saw her once.

Q. She did not seize you?—A. No, because she never caught us in the act of stealing.

Q. Where did you get your fish?—A. We got them wherever we could catch them.

Q. With regard to the whole period from 1860 down, were you always fishing for mackerel in American bottoms?—A. Always in American bottoms.

Q. Where did you catch your fish during these years—near the shore or outside?—A. I should not like to swear to the quantity we caught inshore or offshore; but as near as I can judge, where we caught one offshore we caught twenty-five inshore.

Q. Where did the American mackerel fleet usually fish, inshore or offshore?—A. That depends upon the season of the year.

Q. I know; but I am speaking now of every year and generally?—A. They generally fish inshore, by what I have seen.

Q. All that you saw?—A. Yes.

Q. How close?—A. I never measured the distance, but I suppose I could make a judgment. Sometimes three miles and sometimes a little more; sometimes not quite so far.

Q. Well, I want to know, generally, where they were. Were they outside of three miles?—A. In general, where we have got big catches of mackerel, we have got them inshore.

Q. What do you mean by inshore—four miles?—A. O, yes; within a mile and a half or two miles.

Q. There is where you get your catches?—A. The largest ever I helped to catch were caught there.

Q. When you say that, when one mackerel is caught outside twenty-five are caught inside, where do you mean by inside?—A. I mean a range from a mile and a half to five miles.

Q. I want something a little more definite than that. I want to know what proportion you caught within three miles.—A. I could not begin to describe the quantity that was caught inside of three miles.

Q. I only want to know the proportion of the mackerel you caught inside, to the best of your opinion.—A. I would say nine-tenths, to the best of my opinion, inside of three miles.

Q. Now, previous to your being captured, had you been aware of the cutter's being on the coast?—A. I ought to, sir.

Q. Constantly?—A. We ought to.

Q. How did you guard yourself against being taken before that?—A. I ran away from them.

Q. Did you keep a lookout?—A. We always watched.

Q. Did you keep a man constantly watching?—A. No; everybody watched.

Q. All the fleet? They all fished inside.—A. Well, when we watched we did.

Q. If you were fishing inside, you watched?—A. Yes.

Q. And you mean to say that they were all in the habit of running the risk of being caught?—A. Yes; nine out of every ten vessels ran the risk.

Q. You frequently met the skippers of other vessels and conversed together?—A. O, yes.

Q. What did they say?—A. I would not like to use their language—certainly, not here.

Q. I only want to know the general tenor of their talk.—A. Well, they did not like it; that is the amount of it. That is as near as I can give it.

Q. Were they aware that they were running the risk?—A. They knew that. They understood that much.

Q. Why did they run the risk?—A. Because they wanted to fish.

Q. Why could they not put up with fishing outside?—A. Because they did not get enough.

Q. Now, would it be worth while to fish if they were confined to fishing outside of three miles from the land? Would you do down to Gloucester for a vessel?—A. No, I would not.

Q. Would you go on board as sharesman, if so confined?—A. No.

Q. Do you know any one that would?—A. That I cannot say. I would be very sorry to say whether I knew one or not.

Q. If there is one, you don't know him?—A. I don't know him. I never heard of him; only I can give my own judgment that I would not go.

Q. Did you fish for mackerel alone?—A. Yes, with some exceptions; we caught a few codfish—very few.

Q. That is when on the mackerel grounds?—A. Yes.

Q. But when in those vessels, did you go on a mackerel trip alone?—A. When I went into the bay I went on a mackerel trip alone.

Q. Give us some of the catches you took for the season.—A. I have taken, or helped to take, as high as 1,500 barrels in one season.

Q. That was a large catch?—A. Yes; that was the largest catch out of the port.

Q. What vessel was that?—A. The Rattler.

Q. Now, were there any other large catches?—A. I have been shipmate when we had a good many good catches, but not so large as that.

Q. How large?—A. Well, 700, 1,000, 600, and 400, down as low as 300, for one trip only.

Q. I am speaking of the season?—A. Well, we never took less than 500 for the whole season; not to my knowledge.

Q. That would be how many trips when you took 500?—A. Only one; but we would land and reship from Canso.

A. I mean to say, how many fares?—A. That would be a fare and a half for one of those medium-class vessels.

Q. You would come in with half a fare?—A. Yes, we would do so both times.

Q. Then, in all cases, have you confined your season when in those vessels to fishing for mackerel alone?—A. Yes, sir; in general.

Q. Would you go on a cod-fishing trip? Did you ever?—A. Where? In the bay?

Q. I mean the Gulf of St. Lawrence, anywhere?—A. Well, so far as

it is called the bay. I have been between Cape North and Bird Rocks, five voyages in different seasons; that is, on the southwest side of the Gulf of St. Lawrence.

Q. When?—A. I can't rightly say. It is within nine years.

Q. Five different trips in different years?—A. One trip a year.

Q. Then, during these same years, you were fishing mackerel?—A. Yes, some years. We would go the first of the season.

Q. In the same vessel?—A. Yes. We would leave home in the spring when the ice would be out, so that we could go to Magdalen Islands for bait and leave there in June. We got our bait at Magdalen Islands or probably on the Cape Breton shore. Then, after getting our cod, we would go home and land them, and fit out for a mackerel voyage. That is the way we used to work the trip.

Q. Is that usual with the mackerel catchers?—A. It used to be then. I don't know now. It used to be the plan to have the codfish trip in the spring, and after that the mackerel.

Q. What kind of bait did you use, salt?—A. No; fresh.

Q. Did you ever use salt bait?—A. Never, to any amount.

Q. Now, do you know with regard to the procuring of bait, do you know of the men aboard your vessel (the crew) assisting in catching it?—A. No. I have never been shipmate with the men assisting to catch bait, unless it was squid. That was in Newfoundland.

Q. Have you known of that in other cases?—A. No. I have known plenty of men catching their own squid in Newfoundland or Canso.

Q. But I mean to say on our own coast, have you known of the crews of other vessels getting people from the coast to assist them?—A. Yes, I have known men to take crews from one port to another to catch bait; say from Prospect to Ketch Harbor, or from Ketch Harbor up to the Northwest Cove.

Q. A vessel would go to Prospect?—A. Yes.

Q. And take a number of men on board there, with a seine? Who would the seine belong to?—A. It was not a seine; it was a net. It would belong to the parties on shore—the natives.

Q. You would take these nets to another place, and who would catch the bait?—A. The parties that owned the nets.

Q. Would the crew assist at all?—A. If the men wanted any assistance, then the crew would assist.

Q. Catching bait, that is for the cod-fishing business? Is that a convenient way of getting fresh bait?—A. If it is plenty, it is.

Q. It is usually got on that coast in that way?—A. It is sometimes. Sometimes it is different. Sometimes they catch it right here in Prospect; we don't have to go any farther.

Q. Is the custom as to getting bait different at different places?—A. No; it is all alike; only it is different prices.

Q. Well, where they assist in catching it themselves that varies the price?—A. Not a bit; not in the vessels I have had anything to do with.

Q. Now, I would like to know from your experience what is the best part of the season for the mackerel catch. First of all, have you caught mackerel on the coast of Prince Edward Island?—A. We take it from about the 15th, I should say the 10th of September, down to October. The heaviest quantities of mackerel are taken then.

Q. Were you in an American vessel last year?—A. Yes, sir.

Q. And what are you in this season?—A. I am in a British vessel this year.

Q. What have you been doing this season?—A. Codfishing so far

Q. In this same British vessel you are in now?—A. Yes.

Q. She is in this port?—A. Yes.

Q. You have landed your fish and are now going to the bay for mackerel?—A. Yes.

Q. Where are you going first?—A. I do not know; but wherever we are most likely to get fish we shall go.

Q. You consider from your experience over all these years you have been in the business that from the 10th of September onward is the best part of the season?—A. I should say so, to the best of my knowledge of the business.

Q. You have been fishing for mackerel and codfish in American bottoms?—A. Yes.

Q. Anything else?—A. I have been running fresh halibut down the gulf.

Q. Where did you catch them?—A. Wherever we could.

Q. Where are the best places?—A. The best places used to be up the gulf, St. Margaret's River, Point Des Monts, Moisie River, and down at Point St. Charles, then down around Anticosti, and wherever we could catch them we would.

Q. What part of the coast did you catch them? How far from shore?—A. As close as we can get in.

Q. They are always caught inshore?—A. Not always. We would catch them from 200 or 300 yards to a mile or a mile and a half.

Q. There were some vessels seized a short time ago?—A. Two.

Q. What vessels were they?—A. The James Bliss and a vessel of a man by the name of Cunningham. I can't just think of the vessel's name. Yes; it was the Enola O.

Q. You were fishing at the same time?—A. Yes; at Anticosti.

Q. Did you catch within three miles?—A. Yes; the whole of them. All we caught that trip we did.

Q. Well, did you see these other vessels?—A. I saw one of them; not the other. The James Bliss was catching as close as she could catch them. The other one I didn't see. We didn't go quite so far up as she was.

Q. How long after you saw this vessel was she seized?—A. We saw her about 1 o'clock, and she was seized that evening or next morning.

Q. You were aware the cutters were looking after you?—A. Yes.

Q. Well, you found it necessary in order to prosecute the fisheries successfully to fish there?—A. Certainly; I would catch them wherever I could.

Q. How many trips did you make for halibut?—A. I made four, but not all there.

Q. What year?—A. In that same year; in that one year.

Q. You made four trips that same year?—A. We would make a trip every month—a vessel engaged in fresh fishing.

Q. Did you fish for halibut any other year?—A. Not there; not in the gulf.

Q. Well, where afterwards?—A. We fished after that at Sable Island, Western Bank, and all those places.

Q. How many American vessels did you see fishing for cod and halibut?—A. Well, I only saw three at that time.

Q. But generally, did you ever see any others?—A. No; not around there. I saw three that trip. There were three of us.

Q. You were together?—A. Yes; at Anticosti.

Q. Three that year?—A. Three at that one trip, but more went afterwards.

Q. Do you mean to say that the two that were taken and your vessel made the three?—A. No; two of us got clear and the other two were taken. One up at Point Des Monts got taken. We were there about ten days.

Q. How many did you get in those ten days?—A. We got, about as near as I can judge, 25,000 pounds.

Q. Then you got a full fare?—A. A decent fare.

Q. Did you remain after the other vessel was taken?—A. Yes; we fished away. We knew then that the cutter was gone. There was no trouble then. We watched her till she got away, and then went back and fished. It was only nonsense for a man to let those cutters take him, anyhow.

Q. You say you got 1,000, 500, and 700 barrels of mackerel?—A. Yes.

Q. And you got the greatest part inshore?—A. Yes; the biggest part of the mackerel was caught inshore.

Q. And all the mackerel you ever caught from 1860 down, you caught mainly inshore?—A. Yes; the principal part.

Q. Do you know Captain Stapleton?—A. Yes.

Q. Did you ever meet him on the fishing ground?—A. Yes.

Q. He would fish with the rest of you?—A. Yes.

Q. Do you know Captain Bradley?—A. I have seen him. I have no acquaintance with him.

Q. He must have been an outside fisher?—A. No. He sailed from a different port, probably Newburyport, and not from Gloucester. I would not therefore know him.

Q. Stapleton fished inshore the same as the rest?—A. Yes.

By Mr. Dana:

Q. How long ago was it you saw Captain Stapleton fishing?—A. I can't say.

Q. Give me some notion.—A. I should say somewhere about 1867 or 1868, along there.

Q. Ten years ago, about?—A. Yes.

Q. Were you asked at that time to observe him and watch him?—A. No; only I know he fished inshore.

Q. You did not see him all the time?—A. No.

Q. How many times a year would you see him?—A. Probably every day for a week.

Q. And then not again for some time?—A. Then not again for a fortnight. I could not begin to say how often.

Q. Can you tell us what ship he was in?—A. I think I can.

Q. It is no matter if you cannot remember. A. I will think presently. It was the Laura Mangam, I think, if I am not very much mistaken. But it is so long ago that my memory is not very good.

Q. That is the only one you remember?—A. Yes, that is the only one. Yes, I remember the Fitz. J. Babson. It needs a man to have a big memory to remember all those things.

Q. Have the halibut fisheries been pretty much exhausted in the gulf?—A. I cannot say. I have not been in the business for the last five or six years.

Q. You say it was the custom of the Americans when you were in the fisheries to buy their bait as a general thing? They did not themselves come close to the shore and fish for their own herring, &c.?—A. No. They would come in the harbor and lay there, and buy their bait from the natives.

Q. You say that sometimes you have known instances where they

have taken men on board and taken them from one port to another?—

A. Yes.

Q. And the men caught the bait in their nets?—A. Yes.

Q. You were asked whether, if the crew were called upon to assist, they did?—A. I suppose they did.

Q. It made no difference in the pay?—A. No, no difference in the price.

Q. They were not employed by the day or the week, but sold the fish at a fixed rate to the vessel?—A. Yes.

Q. That is, so far as you know; and, so far as you know, what was the rate given for the fish when they came aboard and brought their nets?—A. \$2 a barrel.

No. 64.

CHARLES E. NASS, of Nova Scotia, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You have been in American vessels?—Answer. Yes.

Q. In what year?—A. 1871.

Q. What others?—A. 1872, as near as I can recollect.

Q. Any other years?—A. I don't rightly recollect what years.

Q. I don't want to tie you down to dates.—A. It was 1873 or 1874.

Q. There were three different seasons, 1871, 1872, and 1873 or 1874?—A. Yes.

Q. Had you any license to fish?—A. No.

Q. Those vessels sailed out of the port of Gloucester. Did you ever hear of licenses?—A. No, sir; I never heard of them.

Q. You understood they were issued?—A. Yes.

Q. Why didn't you apply?—A. Well, I don't know; the captain didn't take them.

Q. You are the captain of a vessel now yourself?—A. Yes.

Q. You go into the bay to catch mackerel?—A. Yes.

Q. What have you been doing this year?—A. Cod fishing.

Q. At Newfoundland?—A. Yes.

Q. What vessels were those? Name them.—A. The Peerless, the William B. Hutchins, and the Peerless again.

Q. Did you get full fares?—A. Yes, sir.

Q. What size were the vessels?—A. We got full fares twice; the last time we did not.

Q. Were you mackerel fishing any other years?—A. No.

Q. How far from the shore did you catch those fish?—A. We caught them within three miles of the shore.

Q. Were there many other vessels fishing in company with you from time to time?—A. Yes; more or less.

Q. Where did they fish?—A. They fished alongside of us.

Q. Did you see any considerable number of vessels fishing more than three miles from the shore?—A. Well, it is pretty hard to measure. We can't tell exactly.

Q. To the best of your judgment?—A. I have seen some fishing off a little further at times.

Q. How many?—A. I could not say.

Q. The majority? The largest number or the smallest number?—A. Well, there would be generally a fleet, mostly of 100 sail—sometimes less, sometimes 10 sail.

Q. You have told us where you caught yourself. Where did the

greatest number of the vessels get the greatest part of their fish?—A. The greatest number of them got them around Prince Edward Island and Cape Breton.

Q. How far from the shore?—A. They got them handy three miles.

Q. Inside of three miles?—A. Yes.

Q. Did you know whether you were running any risk fishing inshore? Were you aware at the time?—A. Yes.

Q. You were running the risk of capture. Were the other vessels aware of this? Did you converse with any of the skippers?—A. Yes; they were well aware of it.

Q. Did you see the cutter?—A. Yes; sometimes.

Q. What did you do then?—A. I would leave.

Q. Now, do you know whether the greater number of the vessels took licenses or not?—A. No. I heard of a few. I could not mention any names.

Q. Did you converse with any of the other skippers?—A. Yes.

Q. Could you find any that had licenses?—A. No; I don't know one.

Q. Well, how many fish did you take in the two first vessels you mentioned—the Peerless and the William B. Hutchins? How many barrels?—A. We fitted for 250.

Q. That filled you?—A. Yes.

Q. Did you make more than one trip?—A. No; I did not go back again. I left the vessel when we arrived in port. She was only a small vessel.

Q. You only made one trip on each occasion?—A. Yes.

Q. What is the best season for catching mackerel in the Gulf of St. Lawrence?—A. We went there the last of June.

Q. I asked you which was the best season. What is considered by the American fishermen the best season?—A. July, August, and September are supposed to be the best.

Q. Do you know anything about the number fishing in 1871?—A. No; I could not give you any rightly.

Q. Did you see 200 at one time?—A. Yes, sir.

Q. Where did you see them?—A. I think I saw them at Magdalen Islands for one day.

Q. You don't know what the Americans themselves considered the number of the fleet for that year?—A. No.

Q. Were there any more or less afterwards?—A. I could not say. We never went into many ports.

Q. You are not aware whether there was a greater or a smaller number fishing?—A. No.

Q. How many weeks were you catching this fare altogether?—A. To the best of my knowledge, I think about eight weeks on that trip.

Q. Was it a usual or an unusual thing for a vessel not to get pretty good fare?—A. I was there three times, and during my stay we got good fares each time.

Q. Generally, was it considered among the American skippers a usual thing, or was it considered an unusual thing, to go home with a small fare?—A. Some of them did, and some got very large fares.

Q. But I just want to know what the actual state of the matter is. Was it generally considered a usual thing to go home with a small fare, or did they, in the majority of cases, fill up?—A. At this time in 1871 and 1872, they did not get very large fares.

Q. I am aware of that, but even at that time did not most vessels do pretty well?—A. Yes, most.

Q. Have you ever been in American vessels cod-fishing or halibut-fishing?—A. I was one year cod-fishing.

Q. What year was that?—A. That was in 1873 or 1874.

Q. In an American vessel?—A. Yes.

Q. Was that the same vessel you had been catching mackerel in?—A. No; that was another.

Q. Well, do the mackerel vessels not catch some codfish?—A. Yes, in general.

Q. They are prepared to catch codfish?—A. Yes.

Q. Do they all catch a few?—A. In the Gulf of St. Lawrence?

Q. Yes, or where you were fishing, all around the coast?—A. Well, they catch very few.

Q. What do you call very few? Do they all take some home?—A. Yes, some, more or less.

Q. Do they catch these codfish right on the mackerel ground? They are all prepared for catching cod?—A. Yes; they are all ready at the time.

Q. They carry the gear to catch codfish as well as mackerel?—A. Yes; they carry some gear; not very much.

Q. But they all carry some, so that when the mackerel are not biting they catch cod on the same grounds?—A. Yes.

Q. What do they do with the gurry of codfish? Do they clean them on deck?—A. Yes.

Q. Do they throw it over?—A. Yes.

Q. On the fishing-ground?—A. Most likely.

Q. Do you know Captain Stapleton?—A. I am not personally acquainted with him. I have seen him.

Q. Did you see him out fishing?—A. Yes.

Q. Did he fish inshore or outshore?—A. I could not say.

By Mr. Dana:

Q. You spoke of fishing in the years 1871, 1872, and 1873?—A. Yes.

Q. Now don't you know that the Dominion Government ceased to issue licenses after the year 1870?—A. I was not aware of it.

Q. Do you know of any licenses issued in 1871?—A. No; only as I heard. I don't know of any being issued.

Q. You don't know of any that had licenses in 1871, 1872, and 1873?—A. No.

Q. Then you don't mean to say that you know that they could get them if they wished them? You don't know whether they were issued or not in those years?—A. No.

(Mr. Dana refers to correspondence, cited in brief, showing that no licenses were issued after 1870.)

Mr. WEATHERBE. They were not aware of that. All I wanted to show was that they were running the risk.

Mr. DANA. You cannot show that by witnesses saying they had no licenses.

Mr. WEATHERBE. We admit that there were none issued.

By Mr. Dana:

Q. You sailed out of Gloucester several times. You have mentioned the occasions. Do you know anything about the shore fisheries of the United States, the seine fishing?—A. I have been seining off there, from Gloucester.

Q. How far out?—A. Sometimes a long way, and sometimes very handy.

Q. Was there a great deal of seining done all along the Massachu-

setts coast near Gloucester and that neighborhood?—A. Yes; some, more or less.

Q. Was there a good deal of weir fishing there on that coast?—A. Yes, on the Massachusetts coast and Vineyard Sound.

Q. Was it not a successful fishery; a good many people employed in it and a great many fish caught?—A. They used to get bait there; that is all I know.

Q. You don't know anything about whether it was successful or not?—A. No.

Q. But there was a good deal of it, and a good many people employed?—A. I was not in that sort of fishing.

Q. You knew it was going on, didn't you?—A. Yes.

Q. Also, you learned by being at Gloucester that in the autumn, in November, there was a great deal of mackerel fishing off Cape Cod?—A. Yes, sir.

Q. Those mackerel that came down from here, it is supposed, in the autumn, those were good mackerel, were they not?—A. Yes; late in the season.

Q. Were you engaged in seining in vessels on the American coast?—A. Yes.

Q. Give the names of the commanders of vessels you were in, seining?—A. I could give the name of the first vessel I was in; not the captain.

Q. What was the first vessel's name?—A. I can hardly remember. She had such a hard name I forget it.

Q. Can you state the captain's name?—A. No.

Q. Can you tell the names of any of the vessels?—A. The last one was the S. R. Lane, Captain Jacobs.

Q. Do you know the names of other vessels or captains of the vessels you were seining in?—A. No. I was only part of two years seining.

Q. Were you long employed each season?—A. One month the first time and the whole season the last time.

Q. In what parts of the bay were you seining?—A. We fished off Block Island in the spring, in June; and we fished on George's as the season advanced, and from away down to Mount Desert.

Q. You followed along?—A. Yes; and back to Cape Cod.

Q. When were you at Cape Cod?—A. In the last of October.

By Mr. Weatherbe:

Q. You have heard of the American fishery having failed?—A. Yes.

Q. Did you hear that in the States?—A. This year, I believe, it has failed.

Q. That is, the inshore fishery. When you were in the States, on board an American vessel, why did you not fish in American waters, and why did you come here to fish?—A. There was no hooking there.

Q. That is, no fish could be caught with hook and line?—A. Yes.

Q. Why not; was it because the fish were not round there?—A. The seines had destroyed them.

Q. Then you heard that the American fishery had been destroyed by seine fishing?—A. Yes.

Q. That was the opinion of the Americans themselves?—A. Yes.

Q. It was in consequence of the destruction of the American fishery that you were obliged to come here to fish?—A. Yes.

By Mr. Dana:

Q. You refer to the fishing this year?—A. For as much as three years they have not hooked any fish.

Q. You have not caught any mackerel with hooks in American waters?—A. Nothing worth talking about for the last three years.

Q. Have you been there during those three years?—A. I was there in 1871.

Q. When were you next there?—A. I was there in summer, right along every year till last June.

Q. Summer fishing off the coast of the United States?—A. Off the coast of Massachusetts.

Q. And you found fish, did you not?—A. Yes; we found some, more or less.

Q. You got pretty good fares?—A. Some years we did.

Q. When were you fishing on the American coast?—A. Since 1873.

Q. What did you catch in 1874?—A. We went to the George's cod-fishing until June.

Q. And then you went mackereling, I suppose. Where did you go?—A. To Block Island and along the coast.

Q. What was your catch?—A. The catch was not very large.

Q. How large was the vessel?—A. Seventy tons.

Q. What was your catch?—A. About 800 barrels.

Q. Do you call that a destroyed fishery?—A. That catch was made with a seine.

Q. In 1875 what vessel were you in, and where did you fish on the American coast?—A. I was cod-fishing.

Q. Did you do any mackerel-fishing in 1875?—A. No.

Q. Did you have a good yield of codfish?—A. Pretty fair.

Q. How many barrels?—A. I could not say.

Q. How much did you get?—A. We made short trips and sold the fish when we came in. I cannot tell the catch for the season.

Q. Where were you in 1876?—A. That is another time, I was down here; I forgot to mention it. I was fishing on this coast in an American vessel.

Q. You were not on the American coast at all in 1876?—A. No.

Q. In 1874 you were cod-fishing?—A. Yes.

Q. In 1875 were you mackerel-fishing?—A. I was, either in 1874 or 1875.

Q. From 1873 to the present time, how many years were you mackerel-fishing on the American coast?—A. From 1871 until last year in June.

Q. But you were fishing on this coast in 1876?—A. I was fishing in an American vessel.

Q. How many years have you been fishing on the American coast for mackerel?—A. One whole year; that is all.

Q. And you caught 800 barrels?—A. Yes.

Q. Who has told you that the American fishery has been destroyed? You have not been there mackerel-fishing except one year?—A. I was fishing there and here also; part of the year I was cod-fishing off there, and part of the year I was in the bay.

Q. You did not fairly try mackerel-fishing on the American coast?—A. Yes; I tried at hooking one year for a month.

Q. That mode of fishing has rather gone out, I believe?—A. Yes.

Q. But the other modes used for taking mackerel are successful, are they not?—A. They seem to be, except this year.

By Mr. Weatherbe:

Q. You are following the old mode of catching fish on these shores?—A. Yes.

No. 65.

Hon. ROBERT YOUNG, residing at Caraquette, N. B., merchant, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thompson :

Question. You are president of the executive council of New Brunswick ?—Answer. Yes.

Q. You are member of the legislative council as well, I believe ?—A. Yes.

Q. You reside, I think, on the shores of Bay Chaleurs ?—A. Yes; at Caraquette.

Q. How long have you resided there ?—A. Twenty-six years.

Q. You are acquainted with the fisheries along the coast, I presume, and the manner in which they are carried on ?—A. Yes.

Q. What are the kinds of fish chiefly taken in that bay ?—A. Codfish, mackerel, and herring.

Q. Take mackerel; are they taken out in the body of the bay or inshore ?—A. Inshore principally.

Q. How far from the shore, as a rule, are they taken ?—A. Most of them are taken within from one to two miles of the shore.

Q. Seldom as far out as three miles ?—A. Sometimes some are taken outside; but the principal portion is taken within a mile or two of the shore.

Q. Those taken outside are comparatively few ?—A. Comparatively few.

Q. Could any one successfully carry on the business of mackerel fishing in Bay Chaleurs or the gulf, so far as you are aware, if prohibited from coming within three miles of the shore to fish ?—A. They could not.

Q. Mackerel is eminently an inshore fish ?—A. Yes.

Q. What other fish are taken on your shores? You fish for cod ?—A. For cod and herring.

Q. Is herring entirely an inshore fish ?—A. Yes. Some small quantities are taken outside the bay.

Q. You catch them inshore, at what time ?—We catch cod inshore at the early part of the season, in May and June.

Q. They are chiefly taken inshore, then ?—A. Chiefly.

Q. How far are they taken from the shore ?—A. About a couple of miles out in some places. From two to six miles out at first.

Q. When the cod first come, a large proportion is taken inshore ?—A. Yes.

Q. What would be the proportion so taken ?—A. About three-fourths.

Q. That continues in May and June ?—A. In the month of May and the best part of June.

Q. After that they strike out ?—A. Yes; into deep water.

Q. How about halibut ?—A. Halibut are generally taken, I think, in deep water.

Q. How about haddock and pollack ?—A. We have no pollack on our coast.

Q. You have haddock ?—A. Yes. They are taken in deep water.

Q. Do you remember whether during the years of the Reciprocity Treaty, large numbers of American mackerel-fishing vessels frequented the bay ?—A. You refer to the years from 1854 to 1856. I have seen large numbers of American vessels in the bay during those years.

Q. Before 1854 did they come there?—A. Yes; I saw them before 1854.

Q. They fished inshore?—A. Yes.

Q. Did the cutters ever interfere with them before the Reciprocity Treaty, before 1854?—A. Not to my knowledge.

Q. After the Reciprocity Treaty was abrogated in 1866, and from that on and before the Treaty of Washington in 1871 was made, the Americans still came in the same way?—A. Yes.

Q. Did the cutters come in once in a while then?—A. Yes.

Q. Did the cutters meddle with them?—A. They came between 1866 and 1871.

Q. What did the American fishermen do?—A. I have seen them get under way and leave and go down the bay when the cutters came in sight. They were fishing close inshore.

Q. That was the usual practice?—A. I have seen it done several times.

Q. How many vessels have you seen at one time?—A. I have seen at one time off my own place about 100 vessels.

Q. That is off Caraquette?—A. Yes.

Q. Were they all fishing within three miles of shore?—A. Most of them, not all of them; but I should say three-fourths of them, perhaps more.

Q. They were all fishing for mackerel?—A. Yes.

Q. During the time of the Reciprocity Treaty and from that on, about how many mackerelers frequented the bay?—A. About 300.

Q. After the Reciprocity Treaty was abolished, they still came in the same manner?—A. Yes; I saw no difference.

Q. Up to the present time has there been any falling off, and if so, where?—A. There have not been so many since 1871. I have not seen so many in the bay since 1871.

Q. How many, on an average, have you seen in the bay since 1871?—A. I should say about 100; the number may be more.

Q. Of course you are speaking now only of Bay Chaleurs?—A. Yes.

Q. Those vessels come direct to Bay Chaleurs, I believe; they do not stop to fish in the gulf or around Prince Edward Island?—A. Those who come to Bay Chaleurs generally return to the bay.

Q. How many trips will American vessels make in a season to Bay Chaleurs?—A. They generally make two trips, but some will make three.

Q. Since the Treaty of Washington and transshipping has been practiced, have not the vessels made more trips?—A. I am not aware with respect to transshipping; they do not transship in Bay Chaleurs.

Q. Are you aware that they transship at Canso?—A. I am not aware of it.

Q. I believe you have a large cod-fishing business of your own?—A. I do principally a cod-fishing business.

Q. You have men and boats to fish for cod?—A. Yes.

Q. Where do you send your fish?—A. To the Mediterranean and West Indies. There is a large local consumption; we sell a good deal of it in the province.

Q. Do you send any to the United States?—A. No.

Q. The herring fishery along your coast is a large one?—A. Yes, there is a large quantity of herring taken on our coast.

Q. What do you with the herring you take?—A. They are generally shipped to Quebec and Montreal.

Q. None to New York that you are aware of?—A. I think some of the spring herring are sent to the State from the north side of Bay Chaleurs.

I am not aware whether any have been sent latterly, but years ago some were sent from there.

Q. None were sent from your side; the New Brunswick side of the bay?—A. No. They have been sent from our side of the bay to Ireland in pretty large quantities.

Q. How many men and boats do you employ?—A. In my own boats I have 60 men.

Q. In how many boats?—A. I also supply a number of boats; I do not own the boats, but I supply the fishermen.

Q. They are fishing for you?—A. Yes.

Q. Do they fish inshore?—A. Those who fish in my own boats fish inshore.

Q. Those you supply?—A. Those I supply I buy the fish from them.

Q. At a price agreed upon?—A. Yes.

Q. What is the price per quintal you pay for the codfish?—A. Four dollars.

Q. That is after it is dried and cured?—A. Yes, and ready for market.

Q. I suppose, as regards those who fish inshore in your boats, you take the fish and pay them in the same way?—A. Yes.

Q. Are you aware that the people in the county of Gloucester or along the shores of the gulf or Bay Chaleurs ever sent a vessel to American waters to fish?—A. No.

Q. Then to the people of your district the Treaty of Washington is no advantage whatever?—A. Not so far as selling fish is concerned.

By Mr. Foster :

Q. How many American fishing-vessels have you seen yourself within the last few years in Bay Chaleurs?—A. I have seen about 40 myself.

Q. In what year?—A. In 1872, 1873, and 1874.

Q. About the same number in each of those years?—A. Yes; some years perhaps more or less.

Q. That would be the average from 1872 to 1874, inclusive?—A. Yes, of those I saw myself.

Q. How many in 1875 and 1876?—A. There may have been as many those years, but I cannot be as positive in regard to them. My impression is that the number fell off and there were not as many as before. I saw about a dozen this year.

No. 66.

RONALD McDONALD, farmer and fisherman, East Point, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. How many years have you been engaged in fishing?—Answer. About 15 years.

Q. Is fishing carried on to any extent in your neighborhood?—A. Yes.

Q. With what class of craft do you fish?—A. Boats.

Q. Has that kind of fishing increased much of late years?—A. Yes.

Q. How much would you say during the last five years?—A. It is fully doubled.

Q. And you find it pretty profitable?—A. Yes.

Q. From East Point to the Chapel is one of the best fishing grounds at the island?—A. It is one of the best; I could not say it is the best.

Q. How many boats are engaged from East Point to Georgetown and round East Point?—A. There are a large number, but I could not say how many.

Q. How many about East Point?—A. From East Point to Souris there are probably from 100 to 150 boats; there are over 100.

Q. Are they small boats?—A. Yes.

Q. On the north side of the island, I believe they are larger?—A. Yes.

Q. About how many men to a boat?—A. On the north side about four men to a boat.

Q. How far from the shore do the boats catch their fish?—A. From one and one and a half to two miles of the shore; principally within a mile and a half of the shore.

Q. Have many American fishermen visited you during the last 15 or 20 years?—A. Yes.

Q. You have seen them yourself by dozens and hundreds at a time?—A. Yes.

Q. Where do they catch fish when they come round your part of the island?—A. Principally along the shore.

Q. Do they fish on the same ground as the boats?—A. Yes, pretty much so.

Q. Do the men in the boats catch any fish besides mackerel?—A. Codfish.

Q. To any extent?—A. Yes.

Q. Largely?—A. Yes.

Q. Do they catch these codfish within the three miles or outside?—A. The principal part are taken inside of the three miles. We catch some outside.

Q. In the spring of the year you take large quantities of herring for bait?—A. Yes.

Q. They are taken right inshore?—A. Yes.

Q. Not a quarter of a mile from the shore?—A. Yes.

Q. Have you fished in American vessels?—A. Yes.

Q. How many years?—A. About seven summers.

Q. When did you first go in an American schooner?—A. About 1859 or 1860.

Q. What is the name of the first vessel?—A. Daniel McFie, of Gloucester, Daniel McFie, captain.

Q. Where did you fish?—A. We began to fish along the island towards North Cape, Prince Edward Island.

Q. And you fished along at all the usual places?—A. Yes.

Q. What did you catch that year?—A. About 200 barrels for the season.

Q. How far from shore did you usually fish?—A. We fished mostly all over the bay. The principal part of the fish we got on the Canada shore and Cape Breton shore and along the island. We caught a few on Bank Bradley, and some up northward about Gaspé. The principal part we got on Cape Breton shore.

Q. How many barrels did you catch on Bank Bradley?—A. Not more than from 15 to 20 barrels, perhaps less.

Q. Did you fish at the Magdalen Islands that year?—A. No.

Q. What year was that?—A. 1859 or 1860.

Q. In what vessel did you go next?—A. In Rattler.

Q. How many summers were you in that vessel?—A. One summer.

Q. Who was the captain?—A. Andrew Layton.

Q. Where did the vessel hail from?—A. Gloucester.

Q. How many barrels did she get?—A. About 1,000 barrels.

Q. Captain Layton is always successful apparently?—A. I believe he is.

Q. He is one of the best fishermen in the fleet?—A. In his time, when he was in the bay, I think he was.

Q. Where did you go to fish?—A. I shipped at East Point, Prince Edward Island, and we fished along to West Cape; then up the west shore, up to the Bay Chaleurs; then off Bank Bradley, and afterward at the Magdalen Islands, and away up the Canada shore, above Gaspé.

Q. Did you take fish on Bank Bradley?—A. From 70 to 100 barrels.

Q. Taking the fish you got off East Point, along Prince Edward Island, along the west shore and Canada shore, how far from the land did you catch them?—A. Along the island and the west shore, we got the principal part close to the shore.

Q. How did you do along the west shore?—A. From the time we left Bay Chaleurs we probably got about 200 barrels.

Q. Did you fish in Bay Chaleurs?—A. Yes.

Q. How far from the shore?—A. We tried everywhere; part of the time inshore.

Q. Did you fish much in the center of the bay?—A. No.

Q. You did fish somewhat there?—A. We did.

Q. What proportion of this large catch was taken within three miles of shore?—A. About one-half.

Q. Where did you take the other half?—A. On Bank Bradley and at the Magdalen Islands.

Q. What was the next vessel in which you fished?—A. W. S. Baker.

Q. How many years were you in her?—A. Four consecutive years.

Q. Who was the captain?—A. A. K. Pierce.

Q. What did you catch the first summer in her?—A. Something over 900 barrels.

Q. What the second year?—A. About the same, over 900 barrels.

Q. What was the catch the third year?—A. About 400 barrels.

Q. And the fourth year?—A. About 500 barrels.

Q. What was the size of the schooner?—A. From 98 to 100 tons.

Q. Where did you take the catches those four years—did you go to the same places every year?—A. To pretty much the same places. We generally took a great many round Prince Edward Island and Cape Breton. We got some at Bank Bradley and some at Magdalen Islands.

Q. Those you took at Cape Breton and Prince Edward Island, how far from the shore were they taken?—A. One trip we made I suppose we got about 400 barrels at one time, all inshore.

Q. Taking the fish caught during the whole four seasons, what proportion would be taken within three miles of the shore?—A. At least two-thirds.

Q. You did catch a few on Bank Bradley?—A. Yes.

Q. Were many vessels accustomed to fish on Bank Bradley?—A. We never fished a great deal there, except when we found fish there. One time we got a decent haul.

Q. Did you try there very often?—A. Yes.

Q. And were only once successful?—A. Once we were successful.

Q. That was the only time?—A. The only time in that vessel.

Q. As a rule, where do American vessels go to fish; do they make for Bank Bradley or for inshore?—A. They make for inshore.

Q. Why?—A. Because the fish are generally there.

Q. What was the next vessel in which you fished?—A. Reunion, of Gloucester. I fished two months in her at the latter part of the season.

Q. Where did you fish?—A. Round North Cape and Malpecque and Margaree.

Q. Were you in British bottoms besides the American vessels you have named?—A. I was in one. I have been mostly boat-fishing since then.

Q. You have been 15 years fishing altogether?—A. That is between boat and schooner fishing.

Q. During those 15 years what would be the average number of the American fleet which came down to the bay?—A. I should say from 400 to 500 sail. I have counted 300 sail at one place; they sailed past East Point, Prince Edward Island, during one day.

Q. Did these 300 vessels fish on the same grounds?—A. Pretty much so; they try all along.

Q. At what distance from the shore were they accustomed to fish as they sailed along?—A. Along the island, generally from one to three miles from shore. That is the principal fishing-ground. Of course they drift off.

Q. Suppose they do not drift off, is it within your knowledge that any fisherman deliberately goes to the open sea, and there hauls to and commences to fish?—A. There may be some cases. Men have different notions about fishing; some prefer one thing and some another. As a general thing they try inshore, and if they cannot get fish they try off-shore.

Q. Have you ever been successful in finding fish off shore?—A. We got more inshore than offshore, of course.

Q. Do American schooners injure the boat-fishing?—A. I should think they do.

Q. Do you think they do?—A. Yes; they do.

Q. Are they looked upon as benefactors?—A. The boat-fishermen do not at all like to see them come.

Q. Why?—A. Because they lee-bow the boats, throw out large quantities of bait and take the fish from the boats, so that the boats have no chance with them.

Q. Do you know whether American vessels are down this year?—A. I have not seen many.

Q. You don't know how many there are in the bay?—A. I could not say.

Q. Is this a good fishing year—are you catching plenty of mackerel?—A. There is good fishing round the island. It is a good year where I am boat-fishing.

Q. When the cutters were on the coast did you, when in American vessels, take as large a catch as you used to do? Did they do much injury to American vessels?—A. We never were much injured by them.

Q. How used you to act; did you keep out of the way of the cutters?—A. We sneaked in once in a while. There was one year we had a license.

Q. You then fished where you liked?—A. Yes.

Q. Whether the cutters were about or not, you went inshore to fish?—A. Yes.

Q. Have you no information as to American vessels in the bay this year?—A. Only what I heard from captains.

Q. You have heard from American captains?—A. No; it was from an island captain. Captain James Macdonald, of the Lettie, who has landed 250 barrels, told me he thought about 150 vessels were in the gulf. That was two or three weeks ago.

Q. About purse-seining; you have seen a good deal of it, I suppose?—
A. I have seen it, but not much of it.

Q. What do you suppose is the effect of it on the fisheries?—A. I should not think it was any benefit.

By Mr. Foster :

Q. What were the four years you were on the W. S. Baker?—A. 1867, 1866, 1865, and 1864.

Q. In the Rattler you made the best voyage you ever made—1,000 barrels?—A. Yes.

Q. How many trips?—A. Three trips; we got scarcely anything the last trip.

Q. On the first trip, did you go to the Magdalen Islands?—A. Yes.

Q. How many did you catch there?—A. Perhaps 200 barrels.

Q. Did you go to Bank Bradley?—A. Yes; we got some there; about 70 barrels.

Q. What was your whole catch that trip?—A. Five hundred and forty barrels, I think.

Q. On the second trip did you go to the Magdalen Islands?—A. Yes.

Q. How many did you catch there?—A. About 150 barrels.

Q. Did you go to Bank Bradley?—A. No.

Q. What was the whole catch of the second trip?—A. Four hundred barrels.

Q. Where else did you go except to Magdalen Islands?—A. Round the north side of Prince Edward Island.

Q. The third trip was a failure, and you only got 100 barrels?—A. Thereabouts.

Q. Where did you catch those?—A. Principally on the Cape Breton shore.

Q. Now, we will take the four years you were in the W. S. Baker. Did you go to the Magdalen Islands the first year?—A. Yes.

Q. How many trips did you make?—A. Two.

Q. How many fish did you catch round Magdalen Islands on the first trip?—A. Probably about 100 barrels.

Q. Did you go to Bank Bradley?—A. Yes; we probably got 150 barrels there.

Q. How many barrels was the catch of the first trip?—A. About 500.

Q. On the second trip of the first year, did you go to the Magdalen Islands?—A. No.

Q. Did you go to Banks Bradley and Orphan?—A. No.

Q. Where did you make the second trip?—A. In the Bend of Prince Edward Island.

Q. How many barrels?—A. Four hundred.

Q. The next year you got the catch in how many trips?—A. Two.

Q. Did you go to the Magdalen Islands on the first trip?—A. Yes; we got there about 70 barrels.

Q. Did you go to Banks Bradley and Orphan?—A. We got none on Orphan; we got probably 100 on Bradley.

Q. Where did you get the rest?—A. Along Prince Edward Island.

Q. How many comprised the first catch?—A. Something over 100 barrels.

Q. On the second trip, how many did you get at the Magdalen Islands?—A. None.

Q. How many at Banks Bradley and Orphan?—A. None.

Q. Where did you get them all?—A. On the north side of Prince Edward Island.

Q. That brings you down to 1866; you got 400 barrels that year in how many trips?—A. One.

Q. Where did you go?—A. We were out the whole season one trip; we went everywhere through the bay.

Q. Did you go to Magdalen Islands?—A. Yes.

Q. How many did you get there?—A. Probably 50 or 60 barrels; perhaps more.

Q. How many on Banks Bradley and Orphan?—A. We did not get a great many there.

Q. Did you go to Fisherman's Bank?—A. Yes.

Q. How many did you get there?—A. We got a few scattered all over the bay; it was hard picking.

Q. How long did it take you to get 400 barrels?—A. We were from about the last of August to the end of the season, some time in October.

Q. That year when you were so unlucky, you say you did not catch more than half the fish within three miles from the shore?—A. It might be a little over one-half; I could not say positively.

Q. In the last year you fished in American vessels, the last year you were on board the S. S. Baker, you caught 500 barrels, how many trips?—A. One trip.

Q. Where did you go?—A. Principally along Prince Edward Island, round North Cape, and Cape Breton.

Q. Did you go to the Magdalen Islands?—A. Yes. I don't suppose we got over 40 barrels there.

Q. Did you go to Banks Bradley and Orphan?—A. Yes; we got a few fish, I could not say how many.

Q. I understood you to say that different captains had different notions about places where to fish?—A. Some men are more for fishing off shore than others, I believe. That is my opinion.

Q. You usually fish rather inshore?—A. We have done a good deal of it. We get big fishing inshore.

Q. When you begin fishing inshore do you not drift out beyond three miles?—A. Of course, vessels do.

Q. Do you drift out 5 or 6 miles?—A. I call that outshore fishing. We hardly ever drift off that far.

Q. Four or five miles?—A. Sometimes you get mackerel outside, but as a general thing we fish inshore.

Q. In that kind of fishing you think you get more inside of three miles?—A. Yes.

Q. Do you think you get more than one-half of your fish inside of three miles?—A. We made one trip altogether very near the shore.

Q. Of the whole catch, would more than one-half be taken inshore?—A. I should say two-thirds.

Q. You were asked something about the number of American schooners in the bay this year, and you stated that Captain Macdonald had estimated the number at 150?—A. Yes.

Q. How many have you seen yourself this year?—A. I don't think I have seen more than thirty sail this year at one time.

Q. Where did you see them?—A. At East Point, probably three or four weeks ago.

Q. Are there more American vessels there this year than there have been for three or four years past?—A. I could not say, as I am not fishing on board a vessel.

Q. How far out do you go fishing?—A. Sometimes one, two, or three miles.

Q. You have not seen more than 30 American vessels this year at one time?—A. No.

Q. How many did you see last year?—A. I could not exactly say how many at one time.

Q. A dozen?—A. Yes.

Q. More or less?—A. I think more.

Q. How many more?—A. Perhaps 15 or 20 sail at a time.

Q. What was the greatest number you saw together in 1875?—A. I could not tell by the dates.

Q. Only a small number as compared with former years, I suppose?—A. There was not so large a fleet as in former years, for there had been large fleets. Some years I should say there were probably 600 or 700 vessels in the bay.

Q. But the number has diminished during the last five or six years very much, until this year?—A. Yes.

Q. Give the Commission an estimate of the number of American mackerelers on the north side of Prince Edward Island last year.—A. I could not say.

Q. Give the Commission an estimate of the number on your coast; they mostly all go to East Point?—A. Many will go by while I sleep at night.

Q. Do they not stop there if the fish are there?—A. Of course.

Q. Give the best estimate you can of the number of American vessels in the bay last year.—A. Since I was not in a vessel or through the bay, it would be very hard for me to say the number.

Q. You know the number has fallen off very much?—A. Yes.

Q. Is it true that for the last five or six years the number has been quite small?—A. There was not nearly so large a fleet; the number has fallen off, of course.

No. 67.

HOLLAND C. PAYSON, fishery overseer for Long and Bryer Islands, residing at Westport, Digby County, N. S., called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. Westport is on Bryer Island?—Answer. Yes.

Q. At the mouth of the Bay of Fundy?—A. Yes.

Q. On the Nova Scotia side?—A. Yes.

Q. On one side bounded by the Bay of Fundy and on the other by St. Mary's Bay?—A. Yes.

Q. St. Mary's Bay is a long bay running up into Digby County; what length is it?—A. About 30 miles.

Q. And how wide is the bay?—A. About nine miles across at our part.

Q. How wide is it at Petit Passage?—A. About six miles; over five.

Q. The northern side of the bay is confined by Digby Neck, a long stretch of land?—A. Yes.

Q. About how long is that neck of land and the two islands?—A. From 27 to 30 miles.

Q. How wide is that neck of land?—A. At some places not over a mile.

Q. All round the neck of land on both sides of it there are valuable fisheries?—A. Yes, for herring and mackerel.

Q. Is it so on the other side of the Bay of St. Mary's?—A. There is fishing all in that bay.

Q. All round the shore of St. Mary's Bay, both shores of Digby Neck, and round the islands?—A. Yes; there is fishing all round there.

Q. You are inspector of fisheries there?—A. Yes; up to Tiverton and Petit Passage.

Q. What do you consider to be the value of the fisheries there?—A. Last year the fishermen exported about \$200,000 worth of fish.

Q. What parts of the coast does that include?—A. The two islands.

Q. From the two islands, which constitute about 7 miles of the 30 miles of the neck on one side of the bay, the fish exported amounted to \$200,000?—A. Yes.

Q. The other portion of the fishery is as good as yours?—A. Well, perhaps not quite; they are not as fully carried out.

Q. Fish are as plentiful?—A. There is fishing all along the coast.

Q. The people on those islands live almost exclusively by fishing?—A. Pretty much altogether.

Q. For a number of years your district has been frequented by small American schooners?—A. Yes.

Q. What kinds of fish do they catch?—A. They catch the same kinds as we do—cod, halibut, pollack, and herring.

Q. They catch their own bait?—A. The small vessels catch their own bait.

Q. Besides these small American schooners, your district is frequented by other American fishing-vessels?—A. A great many other vessels come in mainly for bait, sometimes for ice, and go out again.

Q. How often do they come in for bait?—A. I have known some vessels to come three times in a season.

Q. Where do the small American vessels take their fish?—A. To where they belong, I suppose; they come from along the coast down to Mount Desert.

Q. It is a business that is increasing?—A. Yes.

Q. Do the American vessels fish there during the season?—A. The small fishing-vessels fish there during the season, and the other vessels come in for bait. There are fisheries at Whale Cove and White Cove, from one to three miles above Petit Passage, and quite an extensive fishery about five miles above. The people there complained of the small American vessels coming there and interfering with the fishery. I told them I could not do anything, because the Americans are allowed the same privileges as we are. I also heard complaints of the Americans transgressing the law by Sabbath fishing and throwing gurry overboard. In two cases I issued a warrant, but they got out of the way and it was not served upon them.

Q. Why do the American schooners come over to your district, and not fish on their own coast?—A. They said the fishery on their own coast has failed, and they gave me as a reason that they thought it was a good deal due to the trawling practices.

Q. During how many years have they been coming there?—A. Three or four years.

Q. They gave you that as the reason why they come to your coast?—A. I talk to a great many masters of American vessels. My son keeps an ice-house, and they come there for ice, and I have talked with them about the fisheries, and they told me the trawling had, in a measure, broken up their fishing.

Q. How far from the shore do they catch cod, pollack, and haddock?—A. From half a mile to a mile. The large vessels fish mostly

outside the three miles, but the small vessels fish on the same ground as our own fishermen. The small vessels fish within half a mile or a mile of the shore. They anchor the vessels in the harbor, and go out in boats to fish; they fish close inshore.

Q. Previous to the Treaty of Washington, had you been in the habit of carrying fish to American ports?—A. Yes; I followed that business.

Q. You run across the Bay of Fundy and are in the States?—A. Yes.

Q. How far are you from Grand Manan?—A. About 18 miles.

Q. The boats that fish at your place run across to Grand Manan, and fish there also?—A. Yes.

Q. How long did you carry fish to the United States before the Washington Treaty?—A. For 30 years off and on.

Q. Have you continued the business since the Washington Treaty?—A. No.

Q. Why not?—A. The price has declined so much it does not pay me to go. We get more for our fish in our own markets.

Q. You are aware of the provision of the treaty by which fish goes into the United States free of duty?—A. Yes.

Q. Do you consider that a great advantage?—A. I don't think it is, for under the former *régime*, when we paid the duty, the fish netted our fishermen more than they have since. They brought more money per quintal then than since.

Q. Where have you taken the fish since?—A. To Halifax, St. John, and Yarmouth. A large amount of fish is being sent from Yarmouth to the West Indies.

Q. The people in your district have railway connection with Halifax?—A. Yes.

Q. Are the Americans in the habit of catching halibut on your shores?—A. They trawl for it.

Q. The larger American vessels of which you spoke go out to sea to fish?—A. Yes.

Q. With regard to the American schooners which fish in their skiffs among your boats, is the quantity of fish caught by them less or more than your product?—A. I don't think it is nearly so much. Our fishing is pretty extensive.

Q. In your two islands the product last year was \$200,000. What would be the product of the small American vessels?—A. I don't think the small vessels would catch one-fourth of that.

Q. Do you think one-fourth?—A. Probably less.

Q. The business is increasing?—A. Yes. More people are employed, and there are more vessels.

Q. Since you are so near the States, are you aware that any of your fishermen have gone to American waters to fish?—A. I never knew any.

Q. Do you think it would be worth their while to do so?—A. I never knew one of our vessels go there.

Q. You have heard from American fishermen that the reason why they did not fish on their own shores was in consequence of the failure of their fisheries?—A. They say we can do better to fish at your place than to fish on our own coasts. I have often said to them, Why do you not come down and establish a fishery on our side, where you could better carry on the business than by going home. I offered them a very good stage for the fishing business.

By Mr. Dana:

Q. What reason did they give for not adopting your suggestion?—A. They did not give any particular reason.

Q. I suppose they preferred to live where they had always lived ?—

A. I suppose so.

Q. And partly because they had hope that their own fishing would come up again ?—A. Perhaps so. They admitted to me that they had to fish winter and summer, and then did not do more than live. I told them our fishermen only worked five months in the year, and did nothing during the rest of the year.

Q. Does it not cost more to live in the States than where you live ?—

A. We get most of our provisions from the States.

Q. There is considerable trade in that way ?—A. If we can get provisions from the States cheap enough to live, those in the States should live cheaper. We have the freight, and sometimes duty, to pay.

Q. Do American Bank fishermen come into your ports for bait ?—A. Yes.

Q. Are your people prepared to sell it ?—A. They supply the vessels generally when they come. More of the vessels go for bait above my district, at Sandy Cove, and some take it in the harbors of Freeport and Westport.

Q. Have you any theory as to the reason why the price of fish has declined in the American market since 1871 ?—A. No; unless your own people catch more fish and supply your market more.

Q. That is the most natural solution ?—A. That is, I suppose.

Q. The duties being taken off, you can send your fish into the American markets free, and you would have a pretty good chance if the Americans were short of fish ?—A. Yes.

No. 68.

CLEMENT MOLSAAC, residing at East Port, Prince Edward Island, farmer and fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you been fishing many years ?—Answer. Eighteen years.

Q. A much better class of boats is now employed than formerly ?—A. Yes.

Q. And more people are employed ?—A. Those who used to go with the Americans are employed now in our own fishing, principally with boats.

Q. Do many Americans come in to fish with vessels ?—A. They do.

Q. Do they injure the boat-fishing when they come ?—A. Certainly they do, very much.

Q. Describe to the Commission how that is.—A. They lee-bow the boats, and throw out a great quantity of bait, and get the fish away from the boats. The boats generally fish on a spring, and they have to get away before the vessels drift down upon them; so the vessels spoil their fishing.

Q. Your boat fishermen do not welcome the Americans with open arms ?—A. There is no fear of that.

Q. You would rather keep them away ?—A. Yes.

Q. Have you fished on board American vessels ?—A. I have.

Q. When did you commence ?—A. About 1859.

Q. What was the first vessel ?—A. Sarah B. Harris, of Rockport, John Conley, captain.

Q. What did she catch?—A. We made a very poor summer; we caught 230 barrels.

Q. What was the next vessel?—A. Zona.

Q. What year was that?—A. 1860.

Q. Were you fishing mackerel?—A. No; we were trawling, at Cape North in Cape Breton, and between Broad Cove and Kimbo.

Q. Where did you take the cod?—A. From one to two miles from shore; about a mile and a half off.

Q. Did you get a catch?—A. A pretty decent catch; I do not remember how many quintals.

Q. Did you get any bait there?—A. We got a few mackerel on the Banks where we were fishing, and we got a supply of fresh herring at Magdalen Islands. We got sixteen barrels, half of which we caught in Pleasant Bay. We had only to drop our nets over the side of the vessel to take them.

Q. What was the next vessel you were in?—A. John P. Hale, of Rockport.

Q. How many barrels did you catch?—A. 370.

Q. That was in 1864?—A. Yes.

Q. When did you next go in an American vessel?—A. In 1868.

Q. What is the name of the vessel?—A. Ada Fry.

Q. What was the catch?—A. About 170 barrels. We were afraid to come inshore on account of the cutters, which used to dart inshore after a time.

Q. That is why you made such a poor catch?—A. Yes.

Q. Were many American vessels in the bay that year?—A. There were, off and on, between 400 and 500.

Q. Did you go next year in an American vessel?—A. No; in a Dominion vessel.

Q. How many fish did you catch?—A. 500 barrels, two trips.

Q. In what vessel did you fish in 1870?—A. Thomas Hunt, of Gloucester.

Q. How many barrels did you catch?—A. Two hundred and seventy, one trip. In 1871 I was in the George P. Rice, of Gloucester; we took 170 barrels; she was a vessel of 80 tons; we were five weeks in the bay making the fare. In 1873 I was in Lizzie Williams, of North Haven; we took 270 barrels.

Q. It is said there was a smaller number of American vessels in the bay that year. How many were there?—A. Between 300 and 400.

Q. In all those vessels where did you catch the fish?—A. In John P. Hale we began at Port Hood Island and took 70 barrels when we first hove to, three-quarters of a mile from shore. The next part of the voyage we made between First Chapel, Georgetown, and East Point, and it was a very remarkable thing, we got them in very shoal water and in a very short time.

Q. How close to the shore?—A. About three-quarters of a mile off shore.

Q. Taking your experience all through, what proportion of the fish did you catch within three miles of the shore?—A. I never caught 100 barrels outside of three miles. I always fished in shoal water.

Q. As far as your experience goes and from what you saw the other fishing-vessels catching, where did they take their fares?—A. Generally out in about the same ground as we did.

Q. You did not catch any on Bank Orphan?—A. I never took 10 barrels there.

Q. Nor on Bank Bradley?—A. No.

No. 69.

LAUGHLIN MACDONALD, residing at Souris, Prince Edward Island, fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined:

By Mr. Davies:

Question. Have you been engaged fishing for many years?—Answer. About all my life.

Q. With regard to the fishing about East Point, how far out from shore is it done?—A. From one mile and a half to two, and sometimes three miles out.

Q. Are mackerel taken four to five miles out?—A. Not that I know of.

Q. Have you fished much in American vessels?—A. Eight or nine years. I fished in the Equator, of Newburyport, in 1861; we took 350 barrels of mackerel in the gulf. In 1862 I was on board the Spartley, of Maine; we took 90 barrels in five weeks; I did not remain on her the whole trip. In 1863 I was on the Ianthe, of Portland; we made one full trip, and caught 130 barrels. In 1864 I fished on the S. A. Parkhurst, of Gloucester; we caught 250 barrels in one fall trip.

Q. Where did you get your trip in the fall?—A. Round Prince Edward Island and Cape Breton.

Q. Were any taken off shore?—A. No.

Q. Don't American vessels get their fall trips all inshore?—A. From my experience, they do.

Q. In 1866 what vessel were you in?—A. The Franklin Snow, of Gloucester; we caught 690 barrels. Of the fish taken during the two trips, two-thirds were taken inshore. In 1867 I was on the A. H. Wanson, of Gloucester; we made a fall trip, and got 280 barrels. In 1868 I was on the Sergeant S. Day, of Gloucester; we caught 750 barrels. In those years there were on an average 400 or 500 vessels in the bay. During the first year I went there the vessels would number about 700, but after that the average would be from 400 to 500. In 1869 I again went on the S. S. Day; we made two small trips. In 1870 I was in the Ruth Groves, of Gloucester; we got 240 barrels one trip. In 1871 I was again on the same vessel; we got 330 barrels. We made one trip which lasted the whole season.

Q. What proportion of these catches was taken within three miles of shore?—A. I may safely say two-thirds.

Q. And did the American vessels you saw catch their fish about the same distance from shore?—A. Yes.

Q. Did you ever fish on Banks Bradley and Orphan?—A. Yes; I fished on Bradley more than once, but never caught anything.

Q. Do the Americans value Bank Bradley as a good fishing ground?—A. I rather think not.

Q. Not so good as inshore?—A. No.

Q. They all make for inshore?—A. Yes.

Q. Do you think any American vessels would come down to the gulf unless they were allowed to fish within the three-mile limit?—A. I don't think so.

Q. Have you knowledge of any of our vessels going to American waters to fish?—A. I have only heard of one, the Lettie.

No. 70.

JOSEPH BEATON, residing at East Point, Prince Edward Island, farmer and fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. Have you been much engaged in boat-fishing ?—Answer. Yes.

Q. Boat-fishing has become very prevalent at your end of the island, I believe ?—A. Yes.

Q. It is paying well ?—A. Yes ; of late years.

Q. The people are largely engaged in it ?—A. They are.

Q. How far do they go from shore to fish ?—A. From half a mile to two miles.

Q. All the fish is caught within that distance from shore ?—A. Nearly all.

Q. Do the Americans come down there and fish much ?—A. They do a great deal.

Q. Where do they fish ?—A. They fish where we get our fish, from half a mile to two miles of the shore.

Q. Have you seen large numbers of them ?—A. Yes.

Q. How many have you seen fishing on those grounds at one time ?—A. From 130 to 200 vessels is the largest fleet I have seen at one time. I had a bird's-eye view of it.

Q. Are they there all the season fishing ?—A. Yes.

Q. And they fish within the distances you have mentioned ?—A. A few may fish off shore.

Q. You have been fishing with them yourself ?—A. I have.

Q. How many years ?—A. Four summers. In 1864 I was in the *Forest Queen*, of Gloucester. We made three trips and took 970 barrels. We fished up Bay Chaleurs and along Prince Edward Island. We took a few barrels at the Magdalen Islands, perhaps 60 barrels, on the second trip. Then we came over to the island and filled up. We also went to Cape Breton. Four-fifths of the whole catch was taken within three miles of the shore. We transhipped one cargo at Canso, or we could not have made three trips. I was next in *Galena*, of Gloucester. We made two trips and caught between 950 and 970 barrels. We caught most of them along the island coast, on the north side. Perhaps 80 barrels we took at Magdalen Islands. The rest we took off the island, Cape Breton, and in Bay Chaleurs. We did not get many in Bay Chaleurs. We caught those in Bay Chaleurs close inshore. We tried the center of the bay, but did not get any there. We also tried Bradley and Orphan Banks, but did not get any there. About four-fifths of the catch we took inshore. The last trip we took wholly inshore. I believe as a general rule American vessels take nearly all the fall trips close inshore of Cape Breton or Prince Edward Island. During spring and summer mackerel are more scattered. The fish at those seasons are not so good ; they don't bring half the price of fall fish ; the rich mackerel, as a general rule, are inshore. In 1867, I was in *Joseph F. Allan*, Capt. R. Beaton ; we made two trips and got 680 barrels. It was a little higher than the average catch of the American fleet ; the average of the vessels would be from 550 to 600 barrels. We fished on the same grounds as previously, and we got about the same proportion inshore. I never remember seeing an American vessel make large catches outside. In 1871 I was in *Isaac P. Rich*, of Boston, Captain Pierce ; we made one

trip and took 350 barrels. About 400 American vessels were in the bay that year. We caught the fare on about the same ground.

Q. Your experience is that during the time you were fishing on American vessels you took four-fifths of your catches within three miles of the shore, and that the fall trips were nearly all taken inshore?—A. Nearly all.

Q. Did you ever hear of a Canadian vessel going to fish in American waters?—A. I heard of one. I do not remember any.

No. 71.

JAMES MCINNIS, Souris, Prince Edward Island, fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. Have you fished much in boats of late years?—Answer. Yes.

Q. And found it profitable?—A. Yes.

Q. Most of the island people do that now?—A. Yes.

Q. Where did you catch the fish?—A. Close to the shore.

Q. How far out?—A. From half a mile to two miles and a half.

Q. Do you fish for cod?—A. Yes.

Q. Where do you take them?—A. From half a mile to three miles from shore.

Q. As a rule are cod taken beyond three miles by boats?—A. Not by boats.

Q. Vessels do so, I believe?—A. I never fished in vessels for cod.

Q. You have fished in American vessels?—A. Yes; during ten years. In 1858 I was in Freeman, of Maine. We caught 150 barrels; she was a small vessel and we made one trip—a summer trip. In 1859 I was in Union, of Provincetown; we made one trip and caught 200 barrels; she was a medium-size vessel. In 1860 I went on Congress, of Gloucester; we made two trips and caught 220 barrels; in the fall trip we got wrecked. In 1861 I was in Florence, of Gloucester; we took 350 barrels. In 1862 I fished in J. G. Curtis, of Gloucester; we caught 350 barrels. In 1864 I was in a British vessel, E. E. Hudson; we caught 250 barrels. In 1866 I fished on Mary Ellen, a British vessel; I left her before the trip was finished. In 1867 I fished in Alexander McKenzie, of Barrington, N. S.; we took 300 barrels. In 1868 I was again on Alexander McKenzie; we caught 350 barrels. In 1870 I was in Ruth Groves, of Gloucester; we made one trip and took 240 barrels; it was a summer trip. In 1871 I was on Ruth Groves again; we caught 330 barrels. In 1872 I fished on Northerner, of Gloucester; we took 350 barrels. In 1873 I sailed in David J. Adams, of Salem; we made one trip and caught 300 barrels. The same year I was in Etta E. Tanuer, of Gloucester; we made one trip and took 200 barrels.

Q. When in those eleven vessels where did you catch your fares?—A. The most of them inshore, along the island, some at the Magdalen Islands. We did not catch many off Cape Breton or the western shore or Bay Chaleurs. The principal fishing ground was off Prince Edward Island. We caught none on either Bradley or Orphan Banks.

Q. What proportion of the fish caught by those vessels did you take within three miles of the shore?—A. Two-thirds, I think.

Q. Did the other American vessels in the fleet fish in the same places you did?—A. Yes.

Q. Did they make their catches on Banks Bradley and Orphan, or

within three miles of the shore?—A. I cannot tell much about Bradley and Orphan Banks, for I have not fished there. Those vessels I saw fishing were taking the fish inshore.

Q. What was the average number of the American fleet in the bay when you were there?—A. I could not tell the number. There would be 300 or 400 vessels there; a good many would be English vessels.

By Mr. Dana :

Q. Your people have now pretty much abandoned deep-sea fishing and taken to boat-fishing?—A. Yes.

Q. They don't try fishing outside?—A. No.

No. 72.

ALEXANDER MACDONALD, of Souris, Prince Edward Island, captain of a coasting schooner, called on behalf of the government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. Have you been fishing for many years?—Answer. For six years.

Q. In American vessels?—A. I was in the Galena, Warrior, and Joseph F. Allen (two years), fishing in the gulf. The principal part of our fares we got around Prince Edward Island and Margaree.

Q. What proportion was taken within three miles of the shore?—A. Fully two-thirds.

Q. Did you see American vessels in the bay?—A. Yes; perhaps a hundred sail in a fleet together.

Q. Did they fish on the same ground as you did?—A. Yes; they were scattered round one, two, or three miles from shore.

Q. In your opinion two-thirds of the catches of the vessels were taken inshore; would the same proportion apply to other American vessels?—A. Yes.

No. 73.

JOHN MCLELLAN, Souris, Prince Edward Island, fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. You have been fishing, I believe, the greater part of your life?—Answer. It is about 16 years since I first commenced fishing.

Q. Have you fished in American vessels?—A. I fished in four American vessels.

Q. And in many British vessels?—A. Two or three.

Q. Where did you fish in the gulf?—A. All along the bay.

Q. Around what coast?—A. Most of the cod-fishing we did was round Prince Edward Island and Cape Breton.

Q. How far off the shore?—A. The most of all the fish I ever caught in vessels were taken inside of three miles of the shore.

Q. Would you say the bulk of them was taken one or two miles, or two and a half miles from the shore?—A. From one to two miles. I fished on Bank Bradley four years ago; we caught 75 or 80 barrels there on 4th July. The vessel was the Lydia A. Harvey.

Q. What proportion of the whole catch was taken inshore?—A. Most of the fish I caught in the bay was caught inside of three miles.

Q. Will you place it at one-half or nine-tenths?—A. Three-fourths, I should say.

Q. In the fall, I believe, all the fish are taken inshore?—A. Yes.

Q. Did you witness the American fleet fishing during the years you were fishing?—A. Yes.

Q. Did all the vessels fish about the same places you did?—A. They were scattered all over the bay.

Q. What you saw fishing, were they fishing out in the deep sea or within two or three miles of land? What proportion took fish inshore?—A. Three-fourths of the fish would be taken inshore.

By Mr. Dana :

Q. You have spent the most of your life in boat-fishing?—A. A good part of it.

Q. You say you were only four seasons on American vessels and two or three on British vessels out of 16 years' experience fishing?—A. Yes.

Q. You people have pretty much given up deep-sea fishing for boat-fishing?—A. Yes.

By Mr. Davies :

Q. Our people used to fish a good deal in vessels at one time?—A. Yes.

Q. You find the shore-fishing more profitable?—A. Yes.

By Mr. Dana :

Q. The American vessels had the advantage of your vessels in having better bait and being better organized, and were worked by your own people to a large extent?—A. We can get as good bait down there as the American vessels can.

Q. Mackerel bait?—A. Yes.

Q. Anything as good as menhaden?—A. Yes; and I believe we have the best men.

Q. The American schooners are better vessels and better supplied?—A. Yes; the vessels are better.

Q. Are they not better supplied with all the comforts of life?—A. I don't see any difference.

Q. Taking all together, are not American fishermen more successful than British vessels?—A. I don't think it.

No. 74.

BENJAMIN CHAMPION, Alberton, Prince Edward Island, fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. DAVIES :

Question. How many years have you prosecuted the fishery business?—Answer. Seven years in vessels and four years in boats.

Q. How many men are there to a boat?—A. Five men to some boats.

Q. Where do you catch the fish at the west end of the island?—A. Right inshore.

Q. How close to shore?—A. One and one mile and a half off. Just now the fish are very close in.

Q. The boat-fishing is all inshore?—A. All inshore, particularly the last few years.

Q. Have you caught much cod?—A. Great quantities.

Q. Have you seen many American vessels round the coast?—
A. Yes.

Q. How many have you seen at Cascumpeque Harbor?—A. I have not seen them there of late years, as the harbor is a little shallow. I have seen 250 sail in there some years ago.

Q. Where used the vessels to catch their fish, and where do they catch them now?—A. They fish very often close inshore. I have known some of them lying aground.

Q. Generally when American vessels have come to the island, how far from shore have they made their catches?—A. They fished very frequently close in, but I could not say where they got most of their fish. We generally get our fish close inshore.

Q. I believe you were a number of years on an American vessel?—
A. I was six years captain of a vessel in the bay, and one year on an American vessel, but not as captain.

Q. During those seven years where did you catch your fish?—A. Two-thirds inside of the three miles.

Q. Would any American fisherman come to the bay unless he had the privilege of fishing inshore?—A. No; I have heard several captains say they would not do so unless they had permission to fish inshore or could get a license.

Q. How many vessels composed the American fleet?—A. It was a large fleet. There would be 300 sail together at a time. They might not all be Americans. I have seen 250 or 300 vessels. I could not say how many composed the whole fleet. There is a fleet round Bay Chaleurs, another at Magdalen Islands, and another in the gulf.

Q. You say two-thirds of your catch were taken within two or three miles of the shore?—A. That is my opinion.

Q. Does that apply to Bay Chaleurs and Cape Breton as well as the island?—A. Yes.

Q. Is this a pretty good fishing year?—A. It is a very good year up our way; there has been only one year that was better during many years, and that was four years ago.

Q. They have made large catches, I believe?—A. Some boats have taken 150 barrels.

Q. It is looked upon as one of the best fishing years you ever had?—
A. Yes; one of the best years. One stage landed 700 barrels with five boats. I have seen them and packed some of them myself.

Q. Have American vessels come down this year?—A. There are about 30 sail round the west shore. They are fishing right inshore.

Q. Are they making good catches?—A. Pretty fair. I should think they would do so, as mackerel are plentiful. The mackerel-fishing at the north end of the island is very good.

By Mr. Dana.

Q. Don't you know that Americans have come back from there and reported very poor catches?—A. I am not aware. I think it may be because the fish are close inshore.

Q. You know what the papers say?—A. No.

Q. You have seen the papers?—A. I heard a man say he saw some seiners going home pretty early.

Q. Don't you know that the report is of a bad catch, and that several witnesses called by the British Government have said there was a poor catch, a bad catch?—A. It might be so.

Q. There might be fish enough, but a bad catch?—A. I heard Captain Macdonald say the fish were too close in for the seines.

Q. So there might be a good time for the boats and a bad time for the vessels?—A. That might be the case.

Q. Do you know how it is that some vessels which went there have returned?—A. I don't know. I have not spoken to many, only to two or three captains.

Q. Is it not pretty late to talk about the prospects of good fishing if there has been a bad catch so far?—A. I am speaking of our own fishing-grounds; I do not mean the Gulf of St. Lawrence, but I refer to our own fishing-grounds at the north end of the island.

Q. Generally, it has been a poor catch so far?—A. It might have been for vessels.

Q. All prospects lay in the future?—A. I should say, from my experience, that there is a pretty good prospect for vessels at Margaree when the mackerel work southward. As a general thing, they take them there every fall when the mackerel are in the bay.

By Mr. Davies:

Q. September and October are the great months for taking mackerel?—A. Yes; they are taken at Port Hood, Margaree, and the east point of the island till late in October.

By Mr. Dana:

Q. You cannot undertake to say how the catch will turn out?—A. No.

By Mr. Davies:

Q. You can tell pretty well how it will turn out?—A. If I had a vessel and was trying to take mackerel, I would go there to fish.

No. 75.

MONDAY, *September 17, 1877.*

The Commission met.

JOHN C. CUNNINGHAM, master mariner, of Cape Sable Island, N. S., was called, on behalf of the Government of Her Britannic Majesty, sworn, and examined.

By Mr. Thomson:

Question. Cape Sable Island lies in the southern portion of the county of Shelburne, Province of Nova Scotia?—Answer. Yes; it is the most southern part of the Province of Nova Scotia.

Q. You are engaged in the fishing business?—A. Yes; at present.

Q. How long have you been so engaged?—A. For four years.

Q. Have you on your coast a deep-sea as well as a shore fishery?—A. Yes.

Q. Is there a large boat-fishing carried on in that neighborhood?—A. Well, I think that there are about 150 boats owned around Cape Sable Island.

Q. Is this boat-fishery carried on along the whole shore of the county of Shelburne?—A. Yes.

Q. What would be the number of boats owned in the county of Shelburne, as far as you are aware?—A. I think about five hundred.

Q. What fish are taken inshore?—A. Cod, pollock, halibut, mackerel, herring, and lobsters.

Q. Is the boat-fishery prosecuted for halibut?—A. No.

Q. What fishery are the boats engaged in?—A. They are chiefly engaged in the cod, pollock, and lobster fisheries; they also use nets to catch herring and mackerel.

Q. Do they not take mackerel with hand-lines as well as nets?—A. No.

Q. Mackerel are taken in nets?—A. Yes; altogether.

Q. Are the nets hauled from the boats or the shore?—A. They are set along the shore in our bays and harbors.

Q. Do I understand you to mean that the boats are altogether used for the catching of pollock and cod?—A. And mackerel—yes.

Q. Do you take large quantities of cod and pollock with the boats?—A. Yes—quite a quantity.

Q. What do you do with the cod?—A. We send them to this, the Halifax market.

Q. Do you also send pollock to this market?—A. We send them mostly to the States—to the Boston market.

Q. Do the Americans fish much around your shores?—A. Yes.

Q. Do they fish close to the shore—within three miles of the shore?—A. O, yes. A great many of them fish for halibut within three miles of it.

Q. About how many vessels every year?—A. I could not give the number.

Q. Can you give an approximate to it?—A. Perhaps one vessel might come there ten times, and 100 vessels fish along the shores of the county of Shelburne.

Q. Nearly 100 vessels come there for that purpose, by counting one vessel ten times?—A. Yes.

Q. Do you mean that each vessel makes ten trips?—A. Invariably about forty vessels fish along that shore every year.

Q. And they make ten trips each?—A. I do not say that exactly.

Q. How many do they make on the average?—A. Perhaps from five to ten trips each.

Q. Where do they take the halibut?—A. I cannot tell you that.

Q. But these fish are taken there by the Americans?—A. Yes; and conveyed to the American market—to New York, and Gloucester, and other points.

Q. Do they take these fish there in the fresh state?—A. Yes.

Q. How do they so preserve the fish?—A. Some are carried in smacks, and others in ice.

Q. Smacks are vessels with holes having water in them?—A. Yes; they are provided with wells.

Q. They have false bottoms, and water in them, in which the halibut are kept fresh?—A. They are welled off amidships, with tight bulk-heads, and the water flows in and out. More fish are, however, taken to market in ice than in that manner, in smacks.

Q. What is the size of the vessels?—A. From 25 to 60 tons.

Q. Are there none larger than 60 tons?—A. Perhaps.

Q. If some of them make ten trips in the course of the season, what number would you say the average of them would make?—A. Perhaps seven.

Q. When do they commence fishing?—A. In May.

Q. And do they fish the whole season through?—A. No; nothing is done in halibut-fishing after the last of August.

Q. These fish then disappear?—A. A few may be caught on our coast in September.

Q. How are they taken?—A. By trawling.

Q. Is the effect of trawling on this fishery good or bad?—A. It is bad, as it kills the mother fish.

Q. Do you think that it will destroy this fishery eventually?—A. Yes.

Q. How much within three miles do these vessels which fish for halibut within that distance from the shore come?—A. I could not say; some perhaps fish within $1\frac{1}{2}$ miles of the shore. Where I am engaged in prosecuting the fisheries some of the American vessels fish within $1\frac{1}{2}$ miles, and others within two miles of the shore, and so on.

Q. Are any cod and halibut taken outside of the three-mile limit?—A. O, yes; but this is not so much the case with halibut as with cod.

Q. Do many American fishermen fish there outside of three miles from the shore?—A. Undoubtedly; some 75 American sail do so around the shores of the county of Shelburne.

Q. Where do they get their bait?—A. In our harbors.

Q. Do they come in for it?—A. Yes.

Q. What bait do they chiefly get?—A. Mackerel—the large spring mackerel.

Q. Are these a poor kind of mackerel?—A. Yes, they are rather thin.

Q. Could the Americans carry on the outshore or Bank fisheries, or the fisheries outside of three miles from the shore, if they could not obtain bait from these harbors, and inside of three miles from the coast?—A. They could not, on our shore.

Q. Do they come over and get the bait from you?—A. Yes.

Q. Do they come from their shore without bait?—A. Yes; they cannot get bait on their own shore.

Q. They tell you so, I suppose?—A. Yes; and we know it without their telling it.

Q. The Americans do not bring bait with them, and afterwards get supplies of it from you?—A. No.

Q. When do those who fish outside the three-mile limit begin fishing?—A. Between the 10th and 15th of May.

Q. What is the size of these vessels?—A. They will average 50 tons.

Q. About how many barrels of bait do they take?—A. The trawlers will take 25 barrels a trip.

Q. How often, in the course of the season, will they come in for bait?—A. Once a fortnight.

Q. They are obliged, in this fishery, to have their bait fresh?—A. No; they could use salt bait, but with it they could not prosecute the fishery to any advantage.

Q. Then, in fact, they are obliged to use fresh bait if they desire to be successful, are they not?—A. Yes.

Q. Speaking as a practical man, do you consider that they could carry on this fishery with salt bait alone?—A. No; it would not pay expenses if salt bait was employed.

Q. Then I presume that no prudent man would carry it on with salt bait?—A. No.

Q. How do you know that it would not pay expenses with salt bait?—A. From the very fact that I am an owner of fishing-vessels and fish myself; and I thus know that when we cannot get fresh bait, we cannot prosecute the fishery and pay expenses.

Q. This is your own practical knowledge?—A. Yes; it is practical; there is no theory about it.

Q. Have you ever commanded a fishing-vessel yourself?—A. Yes; many years ago. Then we could get fish anywhere.

Q. How long ago is that?—A. It was in 1857.

Q. Did you then use salt bait?—A. No. We at that time used clams, which we dug up on the flats.

Q. Where did you fish then?—A. On the same ground as now.

Q. Outside or inside?—A. Outside.

Q. And then you used clams?—A. Yes.

Q. Do you use clams now?—A. We cannot get them. The supply is exhausted.

Q. Did you ever then use salt bait?—A. We employed it very seldom.

Q. And you then fished altogether with clams?—A. We fished mostly with them. We also used a little bait which we procured on the ground, but very little of it. Clams will keep fresh a week.

Q. Do you own fishing-vessels?—A. Yes.

Q. Where do they fish?—Some on the Banks and others near Cape Sable.

Q. To what Banks do you refer?—A. To Banquereau and Grand Bank.

Q. Do they fish for cod?—A. Yes.

Q. What do you bait with?—A. Sometimes with mackerel, sometimes with herring, and sometimes with squid. They get bait wherever they can find it.

Q. I suppose that you supply them with bait when they first go out?—A. Yes.

Q. And afterwards they come in and get bait wherever they can?—A. Yes.

Q. How often have your vessels come in for bait?—A. Once a fortnight.

Q. How long does it ordinarily take one of your vessels to get a fare?—A. That is a hard question to answer. It depends on the abundance of the fish. A vessel generally makes two fares in three months. An ordinary banker is of 60 tons burden.

Q. Do you salt and pack the cod on board?—A. Yes.

Q. What would be a full fare for a vessel of 60 tons?—A. 800 quintals, and 1,600 for the two trips. The Cape Sable fishing-vessels average about 1,000 quintals.

Q. And during this time they have to come in somewhere on the Nova Scotian coast once a fortnight for bait?—A. Yes.

Q. And without this privilege you could not carry on the fishery?—A. No; not to any advantage.

Q. If you did so you would soon be bankrupt?—A. We could not carry on the fishery at all under such circumstances. It would not pay expenses.

Q. About how many barrels of mackerel have been caught this year, and shipped from the county of Shelburne?—A. About 14,000 barrels.

Q. Do you ever refuse to supply the Americans with bait?—A. No; it is not an object among fishermen to refuse other fishermen bait.

Q. Though this occasions the former loss?—A. Yes.

Q. And you have given it to them?—A. We do, if they are not able to pay for it.

Q. I suppose that a man in your business would not be thought well of if he allowed any Americans to go off without bait?—A. That is the case.

Q. You consider that such a person would be rather a mean sort of a man?—A. He might be considered so.

Q. There is a sort of understanding among you, to the effect that, whether you lose by it or not, you must let the Americans have bait?—A. We are not obliged to do so, but we do it to accommodate them.

Q. That is a sort of understood rule amongst you ?—A. Yes.

Q. A man would not be thought well of if he had bait and would not supply it ?—A. He would not be thought much of.

Q. And the bait the Americans take is chiefly mackerel ?—A. Yes.

Q. And I suppose that you could salt and barrel this mackerel ?—A. We can take care of all the mackerel we can catch without selling them in the fresh state. It is no accommodation, gentlemen, to us, to be able to sell our fish fresh—not in the least.

Q. I suppose that you send your mackerel chiefly to the States ?—A. Yes.

Q. Do you send any to the West Indies ?—A. No.

Q. How do you send them to the States ?—A. Salted.

Q. Do your mackerel there command as good a price as American-caught mackerel ?—A. Yes ; I think that they command a little advance over American-caught mackerel.

Q. Do you take much advantage of the privilege you possess of being able to fish within three miles of the American shore ?—A. No ; none at all.

Q. Is it of any use whatever to you ?—A. No ; not in the least.

Q. I believe that the Americans take the fish on their shores from 10 to 15 and 20 miles and more out, as a rule ?—A. They cannot carry on the fishery within two or three miles of the shore in their mode of fishing ; there is not water enough.

Q. Is this because they use purse seines ?—A. Yes.

Q. And these require deep water ?—A. Yes.

Q. Do the Americans have any traps on your shore for the purpose of securing bait ?—A. I believe that one trap in Shelburne County is in part owned by an American.

Q. Where is this ?—A. On St. John's Island.

Q. Do they take much in this trap in the course of the season ?—A. Yes ; considerable.

Q. And the fish thus caught are chiefly mackerel ?—A. They are all mackerel.

Q. Do squid come in on your shore ?—A. No.

Q. Never ?—A. No.

Q. Do they come in around Shelburne County at all ?—A. No ; I do not think that squid are to be obtained until you get east of Shelburne County. There are none to the westward of it. No squid are caught off Cape Sable for bait.

Q. Would you be better off if the Americans were kept altogether off your coast, leaving the fisheries within three miles of the shore to yourselves ?—A. I do not see what advantage is obtained by us owing to the presence of the Americans.

Q. Would you rather have the fisheries to yourselves, and pay a duty on fish sent into the American market ?—A. Yes.

Q. Do you think you would get the same price for your fish there whether a duty was imposed or not ?—A. Yes.

Q. Why ?—A. Because there are not fish enough caught by the Americans to supply their own consumption. They have got to buy these fish in some other market.

Q. You think that the supply in their own waters is limited ?—A. Undoubtedly it is.

By Mr. Foster :

Q. I understood you to say that an American was part owner of a trap on St. John's Island ; who is he ?—A. Mr. Mayo, of Boston.

Q. Does he come up there and manage it?—A. No.

Q. Who manages it for him?—A. Captain Kinney, who lives at Barrington. He is a partner with Mr. Mayo.

Q. So it comes to this: that this American, who lives in Boston, has in Nova Scotia a partner who carries on the business, while Mr. Mayo is paid his portion of the profits?—A. Yes.

Q. How many American mackerel-fishers have you seen this summer in the vicinity of Shelburne County?—A. I have not seen any.

Q. How many American halibut-fishers have you seen there this summer?—A. Perhaps 40.

Q. Do you know any of the men engaged in this fishery?—A. No; not one.

Q. Do you not know the names of the vessels?—A. No.

Q. Do you know where their vessels come from?—A. I could not now recollect. Some come from New London, some from Newport, and some from Gloucester.

Q. And you estimate that their number in all is 75?—A. If I had supposed that I would have been questioned on this point, I could have got the names of all of them.

Q. Can you give the name of one of them?—A. No.

Q. How near have you been to them?—A. Within a mile; yes, and within a quarter of a mile of one of them once, I suppose. I then asked how they were making out.

Q. What were you then doing?—A. I was coming from Boston in my own vessel.

Q. Were you acting as captain?—A. Yes.

Q. Do you make trips between Shelburne County and Boston?—A. Sometimes; yes.

Q. And sail your own vessel?—A. Yes.

Q. What is your cargo?—A. I carry mackerel.

Q. That is your business?—A. Yes.

Q. Do you buy these mackerel?—A. We catch them ourselves.

Q. Do you carry any mackerel besides your own to Boston?—A. Sometimes we do, as freight.

Q. Your business is to carry the fish you catch over to Boston?—A. It is a portion of it.

Q. And of the 14,000 barrels you mentioned, how many have you taken?—A. 900.

Q. How were the rest of the 14,000 barrels taken?—A. In different vessels of our own.

Q. How many mackerel-fishing vessels are owned in Shelburne County?—A. We do not prosecute the mackerel fishery in the vessels to which I refer.

Q. Are there any mackerel-fishing vessels in Shelburne County at all?—A. I think there are a few; two or three, perhaps.

Q. Do you remember whose they are?—A. No.

Q. The bulk of your mackerel is caught in boats?—A. It is taken in traps.

Q. How many traps are there?—A. 20.

Q. How many do you own?—A. I own shares in 6.

Q. What do you bring back from Boston?—A. Mostly ballast.

Q. You sell your fish for cash there?—A. Yes; and I fetch back gold.

Q. And it was on a return voyage from Boston when you passed within a quarter of a mile of an American halibut-fishing vessel, and asked the captain how he was doing?—A. Yes.

Q. What was the reply?—A. He said that he was not doing much ; hat he had got 130 halibut.

Q. Was that vessel a smack?—A. I think so. She was a New London vessel, at any rate.

Q. How far was she from the shore?—A. She was about one and a quarter miles from a little island which lies off Seal Island and Cape Sable.

Q. How far was this from Cape Sable?—A. 18 miles.

Q. How large is Seal Island?—A. I think that it is about three miles long.

Q. Are there two Sable Islands?—A. There are Sable Island and Cape Sable Island. This vessel was close to Seal Island. There were three American vessels in the vicinity.

Q. Are there any inhabitants on Seal Island?—A. Yes, a light-house and fog-trumpet are stationed there; and besides those who take care of them, I think that there are two families on the island. I saw the vessel in 25 fathoms of water, I think.

Q. And you think that this American vessel was catching halibut in 25 fathoms of water?—A. Do I think it? I know it. There is no thinking about it.

Q. Did you see her catching halibut?—A. No; but they told me they were doing so.

Q. Did they tell you they had caught halibut in 25 fathoms of water?—A. Yes.

Q. Is this the usual depth at which halibut are caught?—A. No; the usual depth is from 10 to 200 fathoms.

Q. How near the shore are 200 fathoms of water found, say near Seal Island?—A. I do not think that this depth is to be found in the Bay of Fundy. We will say that it is to be met with 40 miles off shore.

Q. Did you see any other American halibut-catcher in that vicinity this summer?—A. They had been there all summer, more or less—not exactly about Seal Island, but in and out, and along the shore of Cape Sable.

Q. Did you see any other such vessel at the place where you saw this one, which was fishing, you say, in 25 fathoms of water?—A. I saw three of them the same morning.

Q. Did you speak to the others?—A. No.

Q. Do you know where they came from?—A. No, with the exception of this particular vessel; and I do not remember her name.

Q. Nor the captain's name?—A. No. I know, however, that they were all American vessels.

Q. Have you seen any other American halibut-catchers this summer; and, if so, how near were you to them?—A. They have laid off the island where I prosecute the mackerel fishery all spring.

Q. How nigh were you to them?—A. Within $1\frac{1}{2}$ and 2 miles, and so on.

Q. They were fishing there?—A. Yes.

Q. Give us the largest number of them which you have seen at any one time?—A. I saw three of them once.

Q. When?—A. In May.

Q. How near the shore were they?—A. They were about $1\frac{1}{2}$ miles from it, and perhaps 2 miles. I did not measure the distance.

Q. Have you seen any others besides the three you mention as having seen when returning from Boston, and the three in May near the place where your trap is?—A. Yes; and plenty of them.

Q. Tell me about them.—A. I cannot tell you particularly about

them, as I did not take much notice of them. They have been laying around the cape all summer.

Q. Will you mention one out of the plenty you have seen, besides the six vessels in question?—A. I could not name any of them in particular.

Q. Will you name the month when you saw them?—A. I see them every day when at home.

Q. During what months?—A. May, June, July, and August.

Q. How many is the most that you have seen at one time?—A. Perhaps six.

Q. When was this?—A. It was in any of those months. This is something about which I cannot speak particularly, because I did not suppose that I would be asked about it.

Q. Yes; but you say that 75 American vessels pursue the halibut fishery off your coast, and that forty of them, from 25 to 60 tons burthen make from five to ten trips a year?—A. This is what I suppose to be the case to the best of my judgment. That is what I have seen. Of course I do not take much notice of those vessels.

Q. Can you tell me when you saw the six you last mentioned?—A. I have seen more than six.

Q. Together?—A. No; but around the coast.

Q. Have you ever seen more than three together at one time?—A. In one place? I do not think so.

Q. Have you ever seen more than three on the same day?—A. Yes.

Q. When?—A. I could not name the day exactly.

Q. Was it this summer?—A. Yes.

Q. Do you know where the seventy-five vessels you spoke of get their bait?—A. From our fishing traps and nets.

Q. Did you ever furnish any of them with bait?—A. Yes.

Q. When?—A. Between the 15th of May and the 1st of July, and all through the fishing season.

Q. Have you done so this year?—A. Yes; and every year.

Q. To how many different vessels have you sold bait?—A. I have sold bait since I have owned a trap to over 40 vessels, say 40.

Q. Different vessels?—A. Yes.

Q. Were they halibut-fishing vessels?—A. I do not know whether they were halibut or cod catchers.

Q. Have you sold bait to forty vessels this year?—A. Yes; but they were not all American.

Q. How many of these vessels were American this year?—A. About twenty, I think.

Q. Have you got the names of the captains on your books?—A. I have, but I haven't the books with me.

Q. Have you the names of the captains and of the vessel, then?—A. Of some I have, and some I have not. If a man buys for cash, I do not look out for his name, or the name of his vessel.

Q. What proportion of them are on your books?—A. I think about six.

Q. What did you sell them?—A. Bait, mackerel.

Q. How much did you sell them?—A. From ten to twenty barrels each.

Q. Do you not know whether they did not form part of the seventy-five halibut catchers fishing off your coast?—A. A portion of them were halibut catchers.

Q. How many?—A. I'm sure that I could not tell.

Q. You put the entire number of halibut catchers at seventy-five.

forty, you say, fish inshore, and the rest more than three miles out; is that correct?—A. I did not say that.

Q. How many of them fish outside of the three-mile limit?—A. I do not think that any of them do so.

Q. Then you think that the 75 fish inshore. Repeat the number of American halibut-catchers which fish off Shelburne County, and state what proportion of them fish within three miles of the coast, and what proportion more than three miles out?—A. I said that there were about 40 sail of vessels there.

Q. That is about 40 vessels which fish inside the three-mile limit, and 75 around the county of Shelburne, off shore. Is the 75 a number in addition to the 40, or is the whole number of these American vessels 75?—A. The whole number is 75.

Q. How many American halibut-catchers are there, and where do they fish?—A. We will do away with the halibut fishing, and say that there are about 75 sail of American vessels which fish off the coast there.

Q. You do not mean to say that all these 75 vessels are halibut-catchers?—A. No.

Q. Do you estimate that the number of American halibut-catchers there is 40?—A. Yes; that is the number, in my judgment.

Q. Do you say that all the American halibut-fishers fish inshore?—A. No.

Q. What number of the American fishing-vessels fish inshore?—A. I am not prepared to say. I could not give an idea.

Q. Do you think that one quarter of the 40 fish inshore?—A. Yes; and more than that.

Q. Do you think that one-half of the 40 do so?—A. Perhaps they do.

Q. Is this a fair estimate, or a high one; do you estimate the number of American halibut-catchers that fish inshore at 20, or more, or less?—A. I estimate the number at 20, and they repeat their voyages.

Q. That is your best estimate?—A. Yes.

Q. Is it a high estimate?—A. It is not too high.

Q. And of these 20 which fish from 1 to 2½ miles off shore, you cannot give the name of one, or the name of one of their captains?—A. No.

Q. Then how do you happen to know that they make from 5 to 10 trips, and an average of 7 trips a season?—A. We can form an idea as to the number of trips which they make.

Q. How do you judge as to the number of trips at the distance which you are from them?—A. We calculate that a halibut fisherman has got to make a trip in a fortnight, as he cannot keep the fish longer, to be good for the market, in ice.

Q. But how long can he keep them in a well?—A. The time I mention would then be long enough.

Q. Do not these 20 vessels get their bait from your people?—A. Yes.

Q. Where do they procure it?—A. They obtain it from us.

Q. Do not they get more than one-half of it from you personally?—A. O, no.

Q. Who there does as much business in bait as yourself?—A. There are a great many traps—20—and each supplies bait, though some do so more than others. I am not so conveniently situated for the purpose as some others are.

Q. You are satisfied that these 20 vessels get bait in your vicinity?—A. Yes.

Q. And for how many years have they been resorting there for it?—A. I have only been in the fishing business four years.

Q. And they have come there for that purpose ever since you have been in the fishing business ?—A. Yes.

Q. And yet, though the captains of these 20 vessels come in once a fortnight to get bait, you cannot give the place where one of them comes from, with a single exception, or the name of one of the captains ?—A. No ; I do not know much about them with reference to their names, qualities, and qualifications.

Q. You stated that the best halibut fishing-grounds were found in 200 fathoms of water ?—A. I said that this fishery could be prosecuted in water varying from 25 to 200 fathoms in depth.

Q. But what did you say was the best depth for the purpose ?—A. The best depth at present, during certain seasons of the year, would be 200 fathoms.

Q. What seasons of the year is this the case ?—A. Early in the spring, before the bait comes on the shore.

Q. In what month ?—A. We will say March.

Q. What is the best depth for halibut-fishing in April ?—A. I could not tell you exactly.

Q. What is the case in May ?—A. It is then inshore.

Q. How near it ?—A. Within half a mile of it, if you like.

Q. In what depth of water ?—A. Perhaps from 25 to 30 fathoms.

Q. How long is this the case ?—A. Halibut fishing is done on the 1st of July.

Q. Is it over then ?—A. They fish for halibut after that, but the fishery is not then so good as it is when the mackerel are on the shore.

Q. Do I understand you to imply that, from May to July, these twenty vessels will be found off your shore ?—A. A portion of them will, no doubt.

Q. And from May to July, in twenty fathoms of water, from half a mile to two miles from the coast, there is good halibut-fishing off Shelburne ?—A. Yes—around Cape Sable.

Q. Do your own people fish for halibut ?—A. No.

Q. Why not ?—A. We have no market for them.

Q. But they catch these fish in their own boats, in twenty-five fathoms of water ?—A. Yes ; they do so for their own consumption, but we have no market that will warrant fitting out for the halibut fishery.

Q. How many halibut do your own people catch ?—A. I do not know.

Q. Can you tell anything about it ?—A. No.

Q. Are there any of your boats which make a practice of fishing for halibut ?—A. No ; but the cod-fishing boats get two or three some days.

Q. Accidentally ?—A. Yes.

Q. You say that you have no market for halibut ; but could you not sell them to the twenty American vessels which lie off your coast for a couple of months, and come in every few days for bait ?—A. It would not pay to fit out for halibut fishing.

Q. Has there ever been any halibut-fishing done by your people as a business ?—A. No.

Q. Now, since you yourself have been in the cod-fishing business ; and are interested in it, will you tell us what bait you send to the Banks ?—A. We send mackerel.

Q. In ice ?—A. Yes.

Q. Do your vessels come back and bait at your place ?—A. Yes.

Q. Do all of them do so ?—A. No. They go ashore at any port where bait can be conveniently obtained—at Canso and Cape North, and in Newfoundland.

Q. Do they use bait other than mackerel?—A. Yes; herring, squid, &c.

Q. Where do they get it?—A. I am sure that is a hard question to answer.

Q. Do you not know?—A. They have procured squid this year on the Bank itself. Our vessels have also obtained squid on the Newfoundland coast, at Cape North, U. B., and in Cape North Bay.

Q. What else do they use on the Banks besides the bait which they carry there and squid? Do they not use the insides of codfish?—A. No; not for trawling.

Q. Have you ever used any salt bait on your own vessels?—A. No.

Q. But you do not personally know as to that?—A. As a substitute they sometimes take a few salt clams, but this does not amount to anything.

Q. You assented to Mr. Thomson's statement, that a man who should refuse to let an American vessel buy bait would not be thought much of, whether he sold it at a loss or a gain?—A. It is never a rule among fishermen to refuse a fisherman bait.

Q. Are there places in Shelburne County where bait is sold as a business to Americans?—A. No.

Q. Have you no people who advertise such sale?—A. No.

Q. Do not the owners of any of your traps advertise the sale of bait?—A. No. I believe, however, that Wrayton, who keeps an ice-house at Barrington, advertises the sale of ice, and bait furnished by traps, but that has nothing to do with our traps.

Q. That is, he keeps ice, and takes the risk of being able to get bait?—A. Yes.

Q. It is your practice then to sell bait to a brother fisherman, of whatever nationality he may be, even though you do so to your own disadvantage?—A. Well, yes—as a general rule.

By Mr. Thomson:

Q. You say that these American vessels fish inshore; about how many of them are fishing around the coast of Shelburne County outside of the three-mile limit altogether?—A. I think about 75 sail.

Q. And all the other vessels you speak of fish inshore?—A. Yes.

Q. When you spoke of 20 vessels, did you mean that they fished close in around your coast?—A. About Cape Sable—yes; I do not know as to the whole county of Shelburne. I believe that the American vessels fish all round there. As to the names of the masters of these vessels, &c., I know nothing about them.

Q. And around Cape Sable during the fishing season, there are at least twenty American vessels?—A. Yes.

Q. And as to the whole coast of Shelburne County, you cannot say what number of American vessels fish inside the three-mile limit?—A. No.

Q. But a number of them do there fish inside of three miles from the shore?—A. Yes.

Q. What do the traps cost?—A. \$1,500.

Q. Have you ever tried to find whether there is a market for halibut in Nova Scotia?—A. This is a business I was never in; and I do not suppose we have a market that would pay in connection with the prosecution of the halibut fishery.

Q. But suppose that you sent them to the States, and fresh fish can enter that market, without regard to this treaty—what is to prevent your doing that?—A. We could hardly go to Boston and retail halibut.

Q. Do you mean to say that the Americans wait there and retail their fish?—A. Of course.

Q. Do they not sell out their whole cargo to fish dealers?—A. They may do so.

Q. Did you ever hear of such a thing as of a vessel going over with a full fare of fresh halibut, and waiting in the port, in order to sell it by retail?—A. No. They sell the fish at wholesale prices.

Q. Why could you not do the same thing? In fact, you know nothing about the matter?—A. No. We never got into that mode of fishing.

By Mr. Foster:

Q. Did you say that you were one-quarter of a mile from the vessel when you spoke to the captain and asked how he was doing?—A. We spoke to men who were in a boat taking up trawls.

Q. How near to them were you?—A. We were within fifty yards of them.

Q. How many men were in the boat?—A. Two.

Q. Do you know Michael Wrayton, of Barrington?—A. Yes.

Q. He lives pretty near you?—A. Yes—some 3 or 4 miles off.

Q. Is he engaged in fishing business?—A. No.

Q. What does he do?—A. He keeps an ice-house, and farms.

Q. Does he know anything about fishing? I notice that Mr. Thomson put him this question:

Q. They catch halibut and cod?—A. Yes. Fresh-halibut fishers, I mean.

Q. That is chiefly a deep-sea fishery, is it not?—A. Yes.

What do you call a deep-sea fishery?—A. Anything outside of the harbors.

Q. However near the shore?—A. Yes.

No. 76.

B. H. RUGGLES, of Brier Island, in the county of Digby, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You reside at Brier Island, Digby?—Answer. Yes.

Q. At Westport?—A. Westport is the township, and comprises Brier Island and Long Island.

Q. It is at the mouth of the Bay of Fundy?—A. Yes.

Q. How long have you resided there?—A. Since 1832. It will be 45 years.

Q. You are a justice of the peace for the county and collector of customs?—A. Yes.

Q. Are you acquainted with the fisheries in the two islands, Brier Island and Long Island?—A. From observation I am. I never followed the business.

Q. During all that time you have been acquainted?—A. Yes.

Q. The residents of the two islands, I believe, are almost wholly devoted to the fisheries?—A. They are.

Q. There is very little farming?—A. Very little. There is some. Few persons raise their own vegetables, their potatoes.

Q. Are you acquainted with the extent of the fisheries on the two islands; I mean the exports of fish?—A. Yes, to a certain extent. I not know that I could give you exactly.

Q. About how much does it amount to?—A. Probably some \$150,000 or \$200,000.

Q. Those are the two islands alone?—A. Yes. That is including the fishing district, Tiverton, Petit Passage, and Grand Passage.

Q. What kind of fish are caught there?—A. Codfish, haddock, hake, pollock, halibut, herring, and some mackerel, when they strike our shores.

Q. Is it an inshore fishery?—A. With the large proportion of the inhabitants it is an inshore fishery in small boats.

Q. Do you know where Cape Split is?—A. Yes.

Q. Now, does this fishery extend up the north coast of the island and off Digby Neck as far as Cape Split?—A. Yes. It is quite an extensive fishery up at the Isle of Haute, and that is well up to Cape Split.

Q. From Cape Split it extends all the way to your island. Around the shores of the bay, are there fisheries there?—A. Yes.

Q. Around on both sides of the bay?—A. That is, Digby Neck side and Clare.

Q. And down the coast as far as Yarmouth?—A. Perhaps, on the south side of St. Mary's Bay, on the French shore or township of Clare, it is not so extensive.

Q. It is not so extensively carried on, but is the fish as good?—A. I could hardly say it was as good on the south side, but still there are a number that prosecute the fisheries there. It is increasing annually. The inhabitants are turning their attention more to the fishery business.

Q. About how many miles from Cape Split is Yarmouth along the coast; that is, the inshore fishery of which you speak, where this fish is caught?—A. If I had a map I could probably measure it off. I should think it was 250 or 300 miles.

Q. Are you acquainted with the amount of the exports of any other places than these two islands of which you have spoken?—A. No; I could not give the figures of them.

Q. What is the width of the bay across Petit Passage to Clare; that is, above the islands?—A. Probably it is in the neighborhood of 6 or 7 miles.

Q. Do you know whether it is over six?—A. I do not know. I should think something like six miles.

Q. The people of the two islands live altogether by fishing?—A. Yes, altogether, I might say.

Q. With regard to the other parts of the coast, do they carry on any farming at all?—A. I think about Sandy Cove, that is, about the center of Digby Neck, there are some few that do a little farming. About Digby Neck, again, there are some, and through Clare.

Q. Except those three places, they carry on fishing nearly altogether?—A. I think so.

Q. With regard to those two islands, beside your own people, what other fisheries are carried on; who else fish there?—A. The American fishermen.

Q. Are the fisheries confined entirely to your own inhabitants and the Americans?—A. I know of none others.

Q. What kind of fisheries do they carry on there?—A. The Americans? The same as the inhabitants.

Q. They catch the same fish that you catch?—A. Yes. Sometimes the Americans fit out exclusively for halibut in the spring of the year. There would be a few vessels across from Portland and Gloucester for fresh halibut.

Q. That is exclusively for halibut?—A. Yes; I may say exclusively so; they fit out exclusively for it, but in setting their nets they will sometimes take cod.

Q. Besides that they carry on the same fisheries with your own people?—A. Yes.

Q. Now is that the inshore fishery?—A. That which I last speak of is the inshore fishery.

Q. I am speaking of the Americans who fish the same as your own people do. Besides that there are a number of large vessels that come for bait and ice?—A. Yes; we have not very many at Westport for bait and ice. The heft is taken, I think, at Grand Manan; but still there is a large number of vessels that come to our place. Up in St. Mary's Bay they go into Sandy Cove, where the herring strike in rather earlier than with us.

Q. What sort are the small vessels that the Americans fish inshore with?—A. Perhaps 9 or 10 tons.

Q. They are a smaller class of vessels altogether?—A. An entirely different class of vessels. They come in and come to anchor in the harbor, and go out in their small boats generally.

Q. They bring vessels, but they usually fish in small boats, the same as your own people?—A. Yes.

Q. Now take your own place, within your township, what proportion of the fish do you suppose are caught by the Americans; the inshore fishermen I am speaking of, altogether? You say that \$100,000 or \$200,000 is the amount exported from these two islands. What proportion would you suppose would be fish caught by the Americans?—A. Well, it would be only an ideal thing I would have to give you.

Q. I want you to give us a fair estimate, to the best of your judgment?—A. Perhaps, to take the whole thing, the Americans, large and small, that fish what we call the inshore fishery, I would say it is something like a quarter or a third.

Q. That is a quarter or a third of the quantity you export?—A. Yes.

Q. We had an estimate given the other day by the inspector of fisheries, from statistics which he made himself, giving 200,000 for these islands?—A. Yes; he could give you a better idea. He took quite a considerable pains in obtaining this information last season. I should think something like a quarter or a third was caught by the Americans.

Q. Are you able to give an estimate of any other parts outside of those islands?—A. No.

Q. Where is the halibut fishery carried on; how far from shore?—A. Well, in St. Mary's Bay, it is carried on from half a mile to two miles off shore.

Q. Then it is an inshore fishery?—A. Yes; that is off Cape St. Mary's in the spring. The halibut strike there first.

Q. I believe your fisheries there are somewhat different from what they are on the other side of the province. I don't think we have had much evidence of those American vessels, small vessels, coming in as they do at St. Mary's?—A. I don't think they fish across Grand Manan.

Q. I am speaking of the other side of the province, the Atlantic coast?—A. I don't think they frequent that part at all. It is an exposed shore.

Q. Where do your people sell the large amount of fish they catch there?—A. We have different markets for them; wherever we can get most for them.

Q. Where generally?—A. Last season Halifax afforded the best market.

Q. Do you sell any at Yarmouth?—A. Yes; and at St. John's. Occasionally we send a cargo to the United States, of pollack, &c.

Q. Why not send all there?—A. Well, we act there upon the same principle as elsewhere. We send them where we can get most for them.

Q. Now, take the time of the Reciprocity Treaty; how did prices then compare with prices afterward under the duty; were the prices higher or lower?—A. During the Reciprocity Treaty we had, perhaps, more trade than ever since; but after '64 the fish were commanding a higher price. I think it was generally admitted that we received more, even paying the duty, than we did under reciprocity.

Q. Then since the Washington Treaty are the prices as high? Take the average.—A. They haven't been until this present time. Just now the prices are pretty well up in the United States.

Q. But the average price?—A. It has been higher at Yarmouth, Halifax, and St. John.

Q. Then, previous to the time of the duty, do you say the prices were more or less?—A. I am not sure I understand you rightly. It was generally considered that we got as much or a little more for fish during the time of the duty than since.

Q. You often see those American fishermen, and have for years?—A. Yes.

Q. Why do they come to your shores to catch fish? Why don't they fish their own shores?—A. Well, they say they have not any fish on their own shores to catch.

Q. How long have they been coming from the first?—A. I cannot tell you from the first. They were there when I first went to Westport.

Q. Is this fishery on the increase; this that the American fishermen carry on there?—A. I cannot say it is on the increase in the Bay of Fundy; but there is an increase in this way, that the Americans come in for bait and ice.

Q. I am speaking altogether of your own place. Is the American fishery there on the increase?—A. I cannot say that it is.

Q. There is an increase of the icing and baiting?—A. There is an increase of the small class of boats we were speaking of in the first instance.

Q. That is the very thing I was asking you.—A. Well, there is an increase of that.

A. The Americans have no boat-fishing except those little schooners; you call them boats?—A. They generally call them boats.

Q. Well, there is an increase of that fishing?—A. Yes.

Q. And they told you that they have no fishing on their own coast?—A. Yes.

Q. I would like to ask you, seeing that your people are entirely devoted to the fisheries, do you know of any destitution among them at that place?—A. I never have heard of any in the county of Digby.

Q. I am speaking of those islands?—A. I have frequently heard the Americans speak of destitution on the coast of Maine, regretting that they had not the privilege of coming over and living as we did.

Q. Are there not a good many poor villages on your coast?—A. No. At Westport we do not pay one cent for poor-tax.

Q. Don't you contribute to the whole county?—A. No.

Q. The county is divided into districts, and each district takes care of its own poor?—A. Yes.

Q. Does it not cost a great deal to take care of those who are poor and destitute?—A. No.

Q. You say you do not pay a cent?—A. No.

Q. Then you have no poor-rate at all?—A. No.

Q. And the only destitution you have heard of is the destitution of the fishermen on the coast of Maine?—A. Well, I have frequently had conversations with skippers, speaking of the privilege we enjoyed and regretting that they could not do as we did. They say they have to fish summer and winter, and scarcely drag out an existence, and I should suppose it was so, from the appearance of some of them; whereas our fishermen only fish five months in the year and live comfortably.

Q. It is a very short run across there from the State of Maine?—A. Yes; a few hours; probably six or eight. Sometimes they come from Mount Desert, which would be ten or twelve hours.

Q. Taking the season through, about how many of those little fishing boats run across there? I mean to your own ports there.—A. I remember last season, I think it was, I was up at Tiverton and Petite Passage, and I think they told me there were thirty of their boats there at that time.

Q. The average is about how many tons?—A. They would probably average from seven to ten tons. Some would be large open boats that would not be registered at all.

Q. How often do they cure their fish; do they salt it, or carry it home fresh?—A. I think they generally salt their fish on board. I am not prepared to make a statement of it.

Q. Have you ever heard any complaints from our own fishermen on the coast with regard to gurry?—A. Yes; that has been a source of complaint, throwing the garbage of fish overboard; also the trawling. The Americans introduced the trawling process, and are thus destroying the inshore fishery altogether.

Q. Do your people complain of that?—A. Yes; but they have to adopt it themselves in self-defense.

Q. They have to take up the same kind of fishing as others?—A. Yes. The American captains all admit that it is ruining the fishing grounds, that it has destroyed the fishing grounds on the American coast, and now it is going to destroy them in Nova Scotia. There is no trouble about it. If the process is kept on we will not have inshore fisheries ten years hence.

Q. You spoke of two vessels, schooners, devoted to halibut fishing; what size were they?—A. I spoke of two. No, there were several in different years.

Q. What size would they be?—A. They would be vessels ranging according to the registry act of the United States, which is something the same as that of the Dominion, from 40 to 70 tons.

Q. There are several of those devoted exclusively to halibut?—A. Yes.

Q. Then with regard to those other fishermen, do they take other fish?—A. Yes; anything they can.

Q. But these are fitted out exclusively for halibut?—A. Yes.

Q. Do they take the fish home fresh?—A. Yes; they ice them.

Q. Have they not wells also?—A. I never knew of it but in one vessel.

Q. Where do they get their ice?—A. They generally fetch a small supply from home.

Q. Now, with regard to other vessels. You spoke of large vessels coming in for bait and ice; that is for codfish?—A. Yes.

Q. Do you know where they get their bait?—A. Well, I have it only from hearsay that they bait on Grand Manan and Campobello, a great many of them. Then again in Sandy Cove on our side they get some, and many of them come up to Digby.

Q. Sandy Cove is on St. Mary's Bay?—A. Yes.

Q. They go up to Digby Gut some of them and bait up there?—A. Yes.

Q. Now, do you know of their carrying herring nets, those vessels?—A. Yes.

Q. Why do they carry those nets?—A. Sometimes they set the nets themselves, and the inhabitants I have been informed take nets and set for them.

Q. To catch bait?—A. Yes.

Q. That is bait for codfish?—A. Yes.

Q. Did these vessels pay light-duties?—A. They were paying the same light-money previous to confederation as our own vessels.

Q. Now can you give us an idea how many of these vessels were ever boarded?—A. The greatest number I ever boarded in one day was 22.

Q. How many would come in in the course of the season?—A. Probably some 30 or 40. A great many pass through the Passage and go right into St. Mary's Bay up to Sandy Cove. Many would pass through in the night when I would have no knowledge of them.

Q. How many mackerel vessels have you seen fishing at one time in St. Mary's Bay?—A. I never saw many.

Q. How many is the largest you ever saw?—A. I have heard of as many as 180 at one time. I think some four or five years ago.

Q. One hundred and eighty American fishermen fishing in your bay?—A. Yes. There might be others. They were scattered all through the bay from Cape St. Mary's to within four or five miles of the head of the bay.

Q. Now, you have given us an idea of the extent of the fisheries down on these islands. In Digby Gut and thereabouts I am told that the fishing is better than any other places?—A. There are good fisheries about Digby Gut.

Q. You don't like to admit there is any place like home?—A. Well, generally the fishermen find out where the best fishing grounds are. I believe about Digby Gut they are as good as anywhere in the Bay of Fundy.

Q. Do you know how many vessels resort to any other places; that is, of those American boats?—A. No; I could not speak of other places.

Q. I am told that some of those that come to your place haul up or anchor, and fish in their boats altogether?—A. Yes. Not so many in Westport, but at Petite Passage.

Q. I am speaking of the islands and the passage between.—A. They anchor and take small skiff-boats or wherries, as they call them, and they go out to fish and set trawls.

Q. Where do they live?—A. On board their boats.

Q. Do they keep them hauled up at anchor?—A. They are at anchor during the fishing season.

By Mr. Dana:

Q. You say that Halifax, Yarmouth, and St. John furnish better markets now, or have for some years past, than the United States?—

A. They have for some years past until the present season.

Q. For how many years past do you think that has been the case?—

A. I could not say exactly, but the last four or five years in particular.

Q. You speak of fresh fish?—A. I speak of salt fish.

Q. You mean cured?—A. Yes.

Q. Well, then, you have sent your salt and cured fish to your own ports in preference to sending them to the United States?—A. We sent some to the United States.

Q. But in preference the greater quantity go to your own ports?—A. Yes.

Q. You are governed by market considerations altogether?—A. Yes.

Q. And on the whole a better price is got here than in the United States?—A. Yes. Our pollack mostly go to the United States, and some of the large codfish.

Q. The best usually?—A. The best quality.

Q. Why do you suppose the market is better in Halifax, St. John, and Yarmouth, than in the United States? What do you suppose is the reason?—A. I suppose we export more to the West Indies from these ports. All our West India fish goes to Yarmouth and Halifax, or Lunenburg.

Q. There is not enough fish brought into these ports of Nova Scotia to supply the demand abroad which they undertake to supply, and also their own consumption?—A. I would not like to give an opinion about that. I have too limited an idea.

Q. When you send them into your own ports you pay no duty?—A. No. Of course not in the Dominion.

Q. And you paid no duty in the States for some years?—A. During reciprocity we paid no duty.

Q. And since 1871?—A. No.

Q. Then you speak of the time when there was no duty, when you say that the market was better in Halifax, St. John, and Yarmouth?—A. At the time there was a duty after reciprocity, the fishermen considered that they got fully as well compensated.

Q. That was not the question. My question was this: After the Washington Treaty was adopted there was no duty on your fish going into the United States market—that is, for the last five years, we will say. During that time you found the markets of your own country bringing better prices than the markets in the United States?—A. For certain descriptions. With our West India fish and pickled fish we do better in the ports of the Dominion.

Q. What do you mean by West India fish?—A. Codfish, haddock, and hake.

Q. They are dried?—A. Yes.

Q. You do not undertake to send them in any large quantities to the ports of the United States?—A. We have sent several cargoes.

Q. Perhaps you would like to change what you said, and say that you sent more to the United States than you did to Halifax?—A. No; I do not think it. I said the heft of our fish were sent to Halifax, Yarmouth, and Lunenburg.

Q. You gave as a reason that the markets were higher?—A. Yes; and I can tell you an instance of a cargo of haddock sold this season at Portland, after which the vessel returned and loaded up for Lunenburg, where he found that this fish had been reshipped, and they met him in Lunenburg.

Q. Then, fish is rather a drug in the United States market?—A. I am not posted. I do not know as to the United States market.

Q. You still think your reason for not sending them there is the smaller price you would get?—A. Yes; that is a very natural reason.

No. 77.

JOSIAH HOPKINS, of Barrington, in the county of Shelburne, Nova Scotia, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. You live at Barrington, in the county of Shelburne?—Answer. Yes.

Q. What business do you prosecute?—A. I am engaged in supplying fishermen with general outfits.

Q. Were you engaged fishing a number of years?—A. Yes, two years; in 1853 and 1854. After that I went to sea, up to 1858.

Q. Then did you carry your fish to the United States?—A. Yes.

Q. You recollect when the Reciprocity Treaty was abolished?—A. Yes.

Q. Do you recollect taking fish to the American market then?—A. I have been there every year, right along, both before and after.

Q. Well, did you realize as much after the Reciprocity Treaty was abolished as before?—A. Well, of course the markets varied in different years, but I don't know that the abolition of the treaty made any difference.

Q. Did you, before this Treaty of Washington came into force, make as much money as since?—A. Yes, as much, and did better, I think. I think, as a rule, the prices have ruled lower since.

Q. Then the treaty has not benefited you much?—A. Not as far as prices are concerned, I don't think.

Q. What duty had you before this treaty upon salt fish?—A. A half cent a pound in gold. On mackerel I think it was \$2 a barrel, and on halibut I think \$1 a barrel; on oil, 20 per cent.

Q. The prices you realized during the time the duty was exacted were just as remunerative as since?—A. I think they were; that is, the average. Of course, as I said before, they varied in different years. But I think there was as much money in the business then as there is now.

Q. Well, you have a practical acquaintance with the matter, and you think there was as much money in it before as since the Washington Treaty?—A. Yes.

Q. Is there much fish caught within the three-mile limit by your own people on your own coast?—A. Yes.

Q. How many boats are owned in Barrington alone?—A. I could not say, but I should suppose in Barrington Township there were 400 or 500.

Q. Well, take the whole county of Shelburne?—A. I should think 800 or 1,000.

Q. These prosecute the fisheries entirely within three miles?—A. From three to five miles.

Q. What do they take?—A. Codfish, haddock, pollock, herring, and mackerel.

Q. Halibut?—A. Some. I do not think any great quantity of halibut, as far as I know.

Q. The halibut, I think, is chiefly taken by the Americans with a trawl?—A. As far as I know.

Q. This boat-fishing is not carried on by trawls at all?—A. To some extent it is. More of late years than there used to be.

Q. What has led to that; is it not injurious?—A. It is and it is not.

It is remunerative for the present, but we think it is injurious in the end.

Q. You enjoy a present gain with the certainty of future loss; is that what you mean?—A. Yes.

Q. What has driven you into this trawl fishery?—A. Well, it has come to be adopted. The man who adopts it gets a little more fish than the one that does not, and so another and another does it.

Q. Who first started it, your people or the Americans?—A. Where?

Q. In that neighborhood?—A. Well, when we speak of our boat-fishing, our own people started it.

Q. Of course the Americans do not boat-fish there at all?—A. But there are a number of American schooners that come in and use these trawls. I have understood that from reliable authority. They come in from New London, I think, but I am not very well acquainted with that matter. Mr. Cunningham would know more than I do. I think the American people started the trawl-fishing, because up to the last 4 or 5 years we used to have a school of large codfish come on the coast late in the fall, and our boats used to take large quantities, but since the large fleet of Americans has come we do not get any at all. The impression was that these trawl-fishers caught up all the fish, and they did not come in.

Q. Do your people make any use of the American waters for fishing?—A. I only know one vessel this year. That is the first and only one I know.

Q. Where was she from?—A. Cape Negro. She was over there this spring mackerel fishing.

Q. Do you know whether she made out to catch anything?—A. I saw the captain to-day and he said he had done about nothing.

Q. Did this captain tell you where he fished?—A. Not to-day; but I have understood from other sources that he was down south where the American fishermen go. I think it is down about George's or Nantucket, and from that to Cape Cod.

By Mr. Foster:

Q. Was he for mackerel or cod?—A. For mackerel. Since that he has been in the North Bay.

By Mr. Thomson:

Q. How did he do there?—A. I understood not very well. I have reference to Captain Whitney of the schooner Harriet.

Q. Did the Americans come in for much bait in your neighborhood?—A. Yes, considerable.

Q. Can they carry on the outside cod fisheries without that bait?—A. Not so well, I think.

Q. Can they at all, in such a way as to make it pay?—A. Not to make it as lucrative as at present.

Q. Would it pay at all?—A. I could not answer that question.

Q. How often did they come in for bait?—A. I have known vessels this summer come in every week or every fortnight, depending upon the quantity they threw out at a time.

Q. Could they possibly have carried on a remunerative business if they had had to go once a week or once a fortnight to their own coast?—A. I don't think they could. The bait is the back-bone of the business.

Q. In fact they can't get along with salt bait now, can they?—A. Not very well. The days for salt bait in cod and halibut fishing are

about past. Years ago they used to, but now they never do at all if they can avoid it.

Q. They can do nothing as against vessels with fresh bait?—A. Not to compete with them; I don't think so.

Q. How many vessels do you supply in the course of the year, or how many are you aware of coming in to be supplied?—A. I personally don't supply any at all. I could hardly tell, but there is one of those fish traps there, and every three days out of the week there is one, two, three, or four vessels there looking for bait. Sometimes they don't get any, but as a rule they do.

Q. Are you aware that halibut is taken inshore by boats as well as cod and pollock?—A. By our boats? Yes; it is taken inshore.

Q. I think you said you had heard of Americans coming in within three miles; but you did not know?—A. I do not know. Mr. Cunningham will know more than I do. It is a little aside from where my business takes me. I have understood they have been in a good deal around Saint John Island just west of where I am.

Q. That is within three miles?—A. Close in.

By Mr. Foster:

Q. I wonder if you can give the names of any New London halibut catchers?—A. No.

Q. Or the names of the captains?—A. No.

Q. Have you ever seen any of their vessels?—A. I have seen them at a distance. I never was aboard.

Q. How many of them have you seen?—A. I might see one three or four times, and would hardly know whether it was the same or not.

Q. Have you any idea whether three or thirty halibut catchers from New London have come up in your neighborhood?—A. From information, I should suppose a large fleet. They come in for bait.

Q. Do you understand that those vessels, many of them, fish inshore?—A. The information I have is not positive. I have heard of some.

Q. But it was spoken of as rather a surprising thing?—A. No; it was just stated as a fact that the American vessels did sometimes fish right in handy for halibut.

Q. Now, when you fished yourself, what did you fish for?—A. Codfish.

Q. From vessels?—A. From vessels on the Bank.

Q. That was in 1853 and 1854?—A. Yes.

Q. There was no such thing as using any bait except salt bait, and what was caught on the Banks at that time?—A. No; not that I was aware of.

Q. By the way, were you in an American vessel?—A. No; in a British vessel.

Q. Do you really mean to leave the impression that you consider it would be just as well for you, in the American market, with the old duties as it is without any duties?—A. That depends upon circumstances.

Q. Is it a matter of indifference whether a duty is imposed or not?—A. It comes just in this way: one year I pay a duty on my fish when I go over there, and the fish net me so much money. One or two years afterward I go and there is no duty, and the fish do not net me any more money.

Q. That is not the question. I asked you whether you really think you are as well off, in the American market, with the duty on as with it off?—A. Let me understand what is the question.

Q. You state what you believed the question to be. It is a very simple one.—A. I don't know what the effect of a duty would be at the present day.

Q. I am not asking you that. I asked you if it was a matter of indifference to you—if you don't care whether the duty is on or off!—A. I would prefer having them go in free.

Q. You think it would be more profitable?—A. I don't know about that. It might or it might not.

Q. Do you care much about it?—A. Not a great deal.

Q. What do you send there, mackerel?—A. No; pollock and codfish.

Q. Fresh?—A. Salt cod, large codfish; shore codfish chiefly.

Q. That is not a very large trade, is it?—A. Well, it is quite a little trade out of our place.

Q. How many dollars?—A. Codfish alone? Well, I should suppose from five to ten thousand dollars a year.

Q. And haddock?—A. No haddock.

Q. Nor hake?—A. No.

Q. What other fish?—A. Pollock.

Q. How much of that?—A. I suppose from 3,000 to 5,000 quintals from our place in the year. The price varies. They are only worth \$2.

Q. What duty was there on them?—A. A half cent a pound.

Q. How much mackerel go there from your place?—A. I am not prepared to say.

By Mr. Thomson :

Q. Mr. Foster asked you if it made any difference whether the duties were put on or not. Suppose the duty were put on and the Americans kept out of your waters, would that hurt you much?—A. No, I don't think it would.

Q. If they are kept out you are willing to pay the duty?—A. Yes; taking the present condition, and the condition of things before the treaty, I would just as lief go back to the old system.

Q. And when you say you would rather have no duty, it is just that it saves you the trouble of paying it out and collecting it from the purchaser afterwards?—A. It saves us the trouble.

Q. But if the Americans were kept out altogether you would be better off?—A. Yes.

By Mr. Foster :

Q. You really think, then, that you would get more?—A. Counting the years that are passed by we did as well when we paid the duty as now.

Q. They were more prosperous years, were they not? Everything had been suffering from depression for the past few years?—A. That may have had something to do with it.

No. 78.

TUESDAY, *September 1*

The Conference met.

WILLIAM H. HARRINGTON, commission and fish merchant, residing at Halifax, called on behalf of the Government of Her Britannic Majesty, sworn and examined :

By Mr. DAVIES :

Question. Have you been dealing in fish for many years?—Answer. Since 1863.

Q. Your dealings consisted in the purchase and sale of fish, I suppose?—A. Yes,

Q. You purchased fish in Halifax?—A. Yes.

Q. And sell it where?—A. In the United States.

Q. I asked you to make up for the Commission a statement from your books, of the sales made by you from 1863 to the present time; have you made up that statement?—A. Yes.

Q. Have you it with you?—A. Yes. [Statement produced.]

Q. What does it show?—A. The prices obtained during the winters of 1863-'64 to 1876-'77.

Q. During what months is your trade principally carried on?—A. During December, January, and February.

Q. And you have sales off and on during other periods of the year?—A. During the spring months we have sales of fish which come up in early spring; it is an insignificant quantity.

Q. The statement you submit practically comprises your business?—A. Yes.

Q. In the winter of 1863-'64 what was the average price obtained for mackerel?—A. For No. 1 \$11.75 in December, \$12 in January, \$14 in February; average of three months \$12.58.

Q. Give your prices of No. 1 mackerel during the next years?—A. 1864-'65, December *nil*; January \$9.50; February \$12; average for three months \$10.75. 1865-'66, December *nil*; January *nil*; February \$15. 1866-'67, December \$9.25; January \$10; February *nil*. 1867-'68, December \$9.25; January \$9.50; February \$9. 1868-'69, December *nil*; January \$16.87; February \$18. 1869-'70, December \$18; January *nil*; February \$19. 1870-'71, December \$18.12; January *nil*; February \$18. 1871-'72, December *nil*; January \$10.75; February *nil*. 1872-'73, December \$9.50; January *nil*; February \$9.50. 1873-'74, December \$13; January \$13; February *nil*. 1874-'75, December *nil*; January *nil*; February *nil*; March \$10. 1875-'76, December *nil*; January \$14; February *nil*. 1876-'77, December \$12; January \$12; February *nil*.

Q. You purchased the fish in the Halifax market and shipped them to Boston?—A. Yes.

Q. Did you purchase them on commission?—A. Yes.

Q. For American houses?—A. Yes.

Q. And those are the prices you paid here?—A. Those are the prices we paid here.

Q. You received orders from the States from time to time to buy?—A. Yes.

Q. Did you pay a fair market price for them?—A. We paid the ordinary market price at the time.

Q. According to your statement, what would be the average price paid by you for No. 1 mackerel from 1863 to 1866, inclusive?—A. \$12.78.

Q. From 1867 to 1873, inclusive?—A. \$13.30.

Q. From 1874 to 1877?—A. \$12.25.

(Statement prepared by witness put in and filed, and is as follows:)

Prices obtained during winters of 1863-'64 to 1876-'77, for No. 1, 2, and 3 mackerel, sold to United States buyers, delivered f. o. b. at Halifax, in gold.

[Extracted from books of Messrs. Lawson, Harrington & Co.]

| Year. | December. | January. | February. | March. | Average. |
|---------------------|-----------|----------|-----------|---------|----------|
| 1863-'64—No. 1..... | \$11 75 | \$12 00 | \$14 00 | ..... | \$12 50 |
| No. 2..... | 6 50 | 7 00 | 7 25 | ..... | 6 92 |
| No. 3..... | ..... | 5 75 | ..... | ..... | 5 75 |
| 1864-'65—No. 1..... | ..... | 9 50 | 12 00 | ..... | 10 75 |
| No. 2..... | 5 75 | 5 53 | 6 75 | ..... | 6 01 |
| No. 3..... | ..... | 5 37 | 6 00 | ..... | 5 60 |
| 1865-'66—No. 1..... | ..... | ..... | 15 00 | ..... | 15 00 |
| No. 2..... | ..... | ..... | 11 00 | ..... | 11 00 |
| No. 3..... | ..... | ..... | 6 75 | ..... | 6 25 |
| 1866-'67—No. 1..... | 9 25 | 10 00 | ..... | ..... | 9 62 |
| No. 2..... | 8 25 | 8 50 | ..... | ..... | 8 37 |
| No. 3..... | 7 25 | 7 50 | ..... | ..... | 7 37 |
| 1867-'68—No. 1..... | 9 25 | 9 50 | 9 00 | ..... | 9 25 |
| No. 2..... | 8 00 | 8 50 | 7 75 | ..... | 8 06 |
| No. 3..... | 6 25 | 6 50 | 7 00 | ..... | 6 58 |
| 1868-'69—No. 1..... | ..... | 16 87 | 18 00 | ..... | 17 43 |
| No. 2..... | ..... | 14 75 | 17 00 | ..... | 15 75 |
| No. 3..... | ..... | ..... | 8 25 | ..... | 8 25 |
| 1869-'70—No. 1..... | 18 00 | ..... | 19 00 | ..... | 18 50 |
| No. 2..... | 12 00 | ..... | 13 50 | ..... | 12 75 |
| No. 3..... | 8 00 | ..... | 8 50 | ..... | 8 25 |
| 1870-'71—No. 1..... | 18 12 | ..... | 18 00 | ..... | 18 06 |
| No. 2..... | 10 50 | ..... | 12 00 | ..... | 11 25 |
| No. 3..... | 8 00 | 7 12 | 7 00 | ..... | 7 37 |
| 1871-'72—No. 1..... | ..... | 10 75 | ..... | ..... | 10 75 |
| No. 2..... | ..... | 6 25 | ..... | ..... | 6 25 |
| No. 3..... | ..... | 8 50 | ..... | ..... | 8 50 |
| 1872-'73—No. 1..... | 9 50 | ..... | 9 50 | ..... | 9 50 |
| No. 2..... | ..... | 6 37 | 6 10 | ..... | 6 23 |
| No. 3..... | 4 35 | 5 25 | 5 75 | ..... | 5 12 |
| 1873-'74—No. 1..... | 13 00 | 13 00 | ..... | ..... | 13 00 |
| No. 2..... | 9 00 | 10 50 | ..... | ..... | 9 75 |
| No. 3..... | 8 50 | ..... | ..... | ..... | 8 50 |
| 1874-'75—No. 1..... | ..... | ..... | ..... | \$10 00 | 10 00 |
| No. 2..... | ..... | ..... | ..... | 6 62 | 6 62 |
| No. 3..... | ..... | ..... | ..... | 5 62 | 5 62 |
| 1875-'76—No. 1..... | ..... | 14 00 | ..... | ..... | 14 00 |
| No. 2..... | ..... | ..... | ..... | ..... | ..... |
| No. 3..... | 7 75 | 9 00 | ..... | ..... | 8 37 |
| 1876-'77—No. 1..... | 12 00 | 12 00 | ..... | ..... | 12 00 |
| No. 2..... | ..... | 9 50 | ..... | ..... | 9 50 |
| No. 3..... | 7 25 | 7 50 | ..... | ..... | 7 37 |

GENERAL AVERAGES.

| | No. 1. | No. 2 | No. 3 |
|-------------------|---------|--------|--------|
| 1863 to 1866..... | \$12 28 | \$7 98 | \$6 75 |
| 1867 to 1873..... | 13 30 | 9 83 | 6 62 |
| 1874 to 1877..... | 12 25 | 8 62 | 7 46 |

By Mr. Dana :

Q. I suppose Nos. 1 and 2 mackerel would keep at about the same proportionate rate as compared with No. 1 during the whole period you have named?—A. Yes.

Q. What is the reason of the increased price in 1870 and 1871. In 1870 it was \$18.50, and in 1871, \$18?—A. I presume mackerel was scarce during those years.

Q. Scarce in your market here?—A. Yes, one cause would be that

Q. You buy on order?—A. Yes.

Q. Are you usually limited in price?—A. Usually.

Q. Of course the houses in Boston are well informed of the rate in your market?—A. Yes.

Q. You have nothing to do with the price the fish bring in Boston?—
A. No.

Q. Does the statement show the amount of your business or only the prices paid for mackerel?—A. Only the prices paid.

Q. Can you tell me from recollection how the amount of your business for the last five years compared with that for the preceding five years?—A. As far as our business is concerned it was much less during the last five years.

Q. Was that from local or special causes, or was it so with all the merchants here who fill orders for the United States?—A. I think it has been pretty general.

Q. The fish you send are salted?—A. They are cured, salted mackerel.

Q. You think that during the last five years the mackerel trade of the merchants in this port has been considerably less than during the five preceding years; to what do you attribute it; has there not been as much in the market, or has there been a less demand, or what is the cause?—A. There has certainly been a less demand.

Q. The supply does not sensibly depend on the demand. About the same number of vessels go out, and they cannot know what the price will be. If the demand is great the price will rise, and if the demand is small the prices will fall?—A. Yes.

Q. The prices cannot be known beforehand?—A. They cannot be known beforehand.

Q. There has not been as much demand for mackerel from the United States for the last five years as formerly?—A. Not so great.

Q. To what do you attribute that?—A. I cannot say what is the cause.

Q. There must be an abundant supply at home, I suppose?—A. I should say so, unless the people are using other articles of food.

Q. They are either substituting something else, or have an abundant supply?—A. I could hardly say what the cause is; no doubt a variety of causes.

No. 79.

JOHN PURNEY, fisherman and fish merchant, residing at Sandy Point, Shelburne County, Nova Scotia, called on behalf of the Government of Her Britannic Majesty, sworn and examined—

By Mr. Thomson :

Q. How long have you been engaged in the fish business?—A. About 13 years.

Q. Did you ever fish in any vessel?—A. Yes.

Q. Have you commanded a vessel?—A. Yes. I went two years as a hand, and afterwards always as master.

Q. Did you fish at any time in the Gulf of St. Lawrence?—A. I fished 25 years, during which time I fished there.

Q. How many years did you fish in the gulf?—A. I could not tell you exactly; four or five years.

Q. Did you fish there for mackerel?—A. No; for cod.

Q. You did not fish for mackerel?—A. No more than for them as bait for cod.

Q. Where did you catch the mackerel you used as bait?—A. Along Prince Edward Island.

Q. Had you to go inshore to get them?—A. Almost always.

Q. Is mackerel an inshore fish?—A. Yes.

Q. You fished close inshore for cod?—A. In my time you did not need to go off the island shore for codfish.

Q. Off the coast of Shelburne, what fishing has been done during, say the last four or five years?—A. Close in they mostly catch haddock and cod.

Q. Is halibut caught inshore?—A. Not many.

Q. Do the Americans come there much?—A. A good deal.

Q. Do they come in to fish for bait?—A. Sometimes; not often. They have been in there this last week fishing for bait.

Q. How many vessels?—A. Three or four.

Q. They were in Shelburne Harbor?—A. Yes; inside the lights.

Q. Fishing for bait?—A. Yes; for small mackerel.

Q. How were they catching them?—A. With a bob.

Q. With a hook and line?—A. Yes.

Q. They did not use nets?—A. No.

Q. You say there were five or six of them?—A. About that. A good many were in for bait; I don't think more than five or six were engaged in catching mackerel.

Q. The others came in to buy bait?—A. Yes.

Q. How did they buy bait? Did they ask the people to fish for them?—A. They got the small mackerel out of nets; they would sooner get them out of nets than out of traps.

Q. Did they give orders beforehand to the fishermen to get bait?—A. They come in and the fishermen board them; they send dories along to the different stages and speak for bait.

Q. The vessels send out their dories and speak for bait, and the fishermen go after bait and fish it for them?—A. The vessels come in and send their dories out to the stages and speak for bait.

Q. The bait is not then caught?—A. No. Some will go alongside on their own account without the vessels speaking for bait.

Q. When the vessels speak to them for bait, the fishermen go and catch the herring?—A. Yes; and go alongside the vessels.

Q. They set their nets that night?—A. They set their nets whether the vessels speak to them or not.

Q. Then the fishermen set their nets and take bait to the vessels?—A. Yes.

Q. Is there a large business of that kind done?—A. Yes, a good deal. They come a good deal for bait.

Q. The bait is not kept in hand to be sold?—A. No. If they don't sell it in that way, they salt it. Some would rather salt their bait, and some would rather sell it than salt it.

Q. Do I understand that it pays as well to salt as to sell the bait?—A. Some think so. The men who catch it think so.

Q. What is your judgment?—A. I think they do just as well to sell it as to salt it.

Q. Do you say they would do as well to salt it as to sell it?—A. Yes.

Q. Would they make as much money by keeping the fish and salting it as by selling it?—A. Sometimes they would make more and sometimes less.

Q. Would the average be about the same?—A. Yes.

Q. It is a rule that no bait is given to the vessels unless it is first spoken?—A. No; sometimes the fishermen go to the vessels and see if the vessels want it.

Q. As a rule, which is the way adopted?—A. They go sometimes; offer bait without being asked.

Q. Which is the greatest part, that which is bespoken or that which

is not?—A. A great deal goes alongside that is bespoke, and a great deal not bespoke. I cannot tell you which is the greater quantity.

Q. Within the last year or two have American fishermen fished much within three miles of the shore in your locality?—A. They don't generally fish within three miles of shore. Sometimes they do for haddock and halibut, but not often. They go out into deep water. They fish a great deal off Shelburne.

Q. Have they within the last year or two fished inshore much?—A. They have fished some, some few have done it.

Q. How many have you seen fishing within three miles of shore?—A. Not many; there are a few who fish in for haddock.

Q. How many have you seen?—A. Two or three, just off where I live.

Q. Have you seen them lately fishing within one or two miles of the shore?—A. Not lately.

Q. When did you last see them?—A. They fished off there last summer some, not this summer.

Q. How many fished there last summer?—A. Two or three. There were a great many more, but I did not see them fishing.

Q. How far from the shore were those two or three vessels fishing?—A. I could hardly say; not far off.

Q. Can you give an idea of how far off?—A. About two or three miles off Shelburne light.

Q. Was it one or two miles?—A. Two miles.

Q. They were fishing, I presume, for cod?—A. For haddock.

Q. Are there any halibut in your locality?—A. There are not many caught down there.

Q. Do you know that Americans come in and fish for them?—A. Not of late years; I saw them fishing for them four or five years ago. Two of them were off Baccaro, which is four miles from Cape Sable Island, eastward. I have not been there lately.

Q. When were you last there?—A. Four years ago.

Q. How near the land were they fishing?—A. About two miles out.

Q. They were fishing for halibut?—A. Yes.

Q. How many vessels did you see then?—A. Two.

Q. Whether American vessels fish all round the coast of Shelburne or not, you don't know?—A. I don't know.

Q. Do you hear that they do so?—A. We hear a good deal.

Q. Do you hear that?—A. We hear that they fish in.

Q. You have heard that they fish inshore?—A. Yes; we hear that they fish inshore, but I do not see them.

Q. The other day, you have said, they were fishing for bait inside of Shelburne lights?—A. Yes; in fact, the captain of one of the vessels came to my store and bought some things, and he told me that he had taken three barrels that day in the harbor.

Q. That was small mackerel for bait?—A. Yes.

Q. Could American fishermen prosecute their sea-cod fishing without this bait?—A. They could not now at all. It has got to be so much the habit to get fresh bait, they cannot do without it and get fish.

Q. Salt bait would not answer?—A. They say not.

Q. Do you mean that American captains say not?—A. Yes; American captains.

Q. How often do they come in for fresh bait?—A. Two or three times in one trip.

Q. How long does a trip occupy?—A. I suppose five or six weeks.

Sometimes they cannot get bait at our place, and have to run as far as Grand Manan. They have had to do it lately.

Q. Did they tell you that?—A. I know they had to do it. They have very often to get from us money to buy bait, and they give us drafts on the owners; they tell us they want the money to buy bait. I know they have had to run up to Grand Manan.

Q. Did they tell you whether they caught bait close in to Grand Manan?—A. They told me they had to go to Grand Manan for it. I also know some could not get it there; at Grand Manan they are prohibited taking it during a certain time.

Q. They said they could get it during the close season?—A. Yes; these very men who were down catching mackerel at our harbor had been there for bait, and could not get it.

Q. The American fishermen say they cannot get on without the bait?—A. Of course they cannot. Neither American nor Nova Scotian fishermen can get fish without bait. Nova Scotia fishermen don't trawl as much as the Americans, and American vessels require more of it.

Q. Do you know that Americans trawl close by Shelburne?—A. No more than what I have told you.

Q. How did they take halibut?—A. They fished in about ninety fathoms of water, just within sight of land. That is where they catch most of their halibut up and down the coast.

Q. As far as you are aware from the Americans fishing there, could they, without the privilege of coming into our waters to get bait, carry on their outside fishery?—A. I don't know how they could, unless they went to Newfoundland.

Q. Can they get bait on their own shores?—A. I don't think so. At certain times they can get squid and bring it from home.

Q. In spring do they run in and catch bait?—A. Not so much as in summer. June, July, and August are the principal months when they come in.

Q. Where do you send your fish?—A. I have always marketed mine in Halifax, and sent a few to St. John. I have always sent my dried fish to Halifax.

Q. You do not send any fish to the United States?—A. No.

By Mr. Dana :

Q. Have you fished for cod yourself on the Banks?—A. I never fished on Grand or Western Banks, but have fished along the shore, in the gulf, and in Bay Chaleurs.

Q. In speaking in regard to Americans obtaining bait, you spoke of six weeks as the duration of a voyage; do you mean to say that a banker leaving the United States to fish on the Grand Banks is absent from home only six weeks?—A. No; four or five months.

Q. If he visits your shore to get fresh bait it will be three times in the course of the whole voyage?—A. There is a certain class of vessels which come in every eight or ten days for bait.

Q. Those are vessels which fish near the shore?—A. They fish on the small Banks, and sometimes go to the Western Bank; but those which go for a long salt voyage to the Grand Banks are away five and six months.

Q. Those which are away four or five months, if they come in for bait at all, come in two or three times during the voyage?—A. They hardly ever come in.

Q. Have you known any case of those vessels which go on the long

voyages running in to your shores for bait?—A. Hardly ever. They go sometimes to Newfoundland.

Q. Do you, of your own knowledge, know what bait they use?—A. No, I do not.

Q. Mackerel is good bait?—A. I don't think they use mackerel. I think they fetch pogies and clams from home and get herring on the Banks.

Q. Do not a great many American bankers still fish with hook and line?—A. Most of them trawl, but some fish with hook and line.

Q. Do they not find it about as profitable as trawling in the long run?—A. I could not pretend to say. They do both.

Q. But for hook and line fishing do they not use a rather different kind of bait?—A. Those who use lines fetch more bait from home, and use clams.

Q. Clams are not found so good for trawling?—A. They don't do at all.

Q. Mackerel will do?—A. Mackerel and herring are used most; squid is also used.

Q. And other fish cut up, such as cod, will do?—A. Yes; sometimes for halibut; but herring is the best bait they can get. The fishermen say so.

Q. The halibut fishery is offshore, in deep water?—A. Sometimes, and sometimes quite close in. The Americans are not particular about the depth of water so long as they get the fish.

Q. But is not the greater part of the halibut fishery in 30 or 50 fathoms?—A. The greater part is.

Q. Far the greater part?—A. I don't know that it is.

Q. Your shores are rather shallow, and you have to go out some distance to get into 80 or 90 fathoms?—A. You can see land plainly from where there are 90 fathoms.

Q. There has not been much halibut fishing done by Americans within three miles of your coast?—A. Sometimes they do.

Q. Is it not rare?—A. They don't generally do it. Sometimes they do. They generally go out.

Q. You call mackerel pretty good codfish-bait for trawling?—A. They don't like it nearly as well as herring; but mackerel is good bait for trawling. It is next best to herring.

Q. With regard to the trade in bait, there are a good many of your people who have traps where the bait is kept alive?—A. Yes.

Q. I suppose if there is not a sufficient supply of fish caught they will take them from the traps?—A. They would rather have them from the nets.

Q. Do the fishermen make a regular business of catching fish for bait?—A. No; they catch it to salt it, and when the vessels come along they sell it to them.

Q. Some prefer to salt it?—A. Yes; and others prefer to sell it.

Q. They keep at work catching the fish whether vessels come in or not?—A. Yes.

Q. The vessels which come in prefer to buy fresh-caught bait?—A. American fishermen do.

Q. If men have bait fresh-caught, what do they do?—A. They generally go round and let the vessels know.

Q. They go round and tell them they have the fish?—A. The men tell them they want bait.

Q. And if they have it ready they take it as it is?—A. They will set their nets. Some will take it to the vessels and some will not.

Q. Some prefer to salt it and some to sell it?—A. Yes.

Q. Those who prefer to sell it take it on board and sell it, I suppose. How is the fish sold?—A. By the hundred. I never sold any.

Q. Suppose an American vessel comes in and does not find the bait they want ready caught, what does the captain do?—A. He waits. Sometimes they have to wait a good while, and sometimes have to go to Grand Manan.

Q. When an American comes in and wants bait, and cannot find all he wants, then the men set their nets as usual every night?—A. They set them more when the vessels are in for bait.

Q. When vessels are in and short of bait, then your men are pretty active in trying to catch bait?—A. Yes.

Q. They set more nets probably?—A. Yes, because they can clear them without dressing them.

Q. And then what they get they sell to the Americans by the hundred?—A. Yes. I never sold any.

Q. You know that such is done?—A. I know it from getting money from them by drafts.

Q. They are not paid for services whether they catch fish or not, only for the fish they sell?—A. Yes.

Q. Every man has the same chance of catching and selling fish, whether spoken to beforehand or not?—A. If a captain speaks to a man, he will take his fish first, and not take that of a man who might come alongside. Very often men go away dissatisfied, and will not sell it to other vessels.

Q. You never knew any other way of getting bait followed by Americans (I do not mean fishing for it), except that of buying it by the hundred in this way?—A. No.

Q. They pay for the fish, not for the services of the men?—A. Yes.

By Mr. Thomson :

Q. They bespeak from certain fishermen the fish, and will not take it from anybody else?—A. No, only from them.

Q. When fish is bespoken the fishermen go to fish and bring it to them?—A. Yes.

Q. And sell it at so much per hundred?—A. Yes.

Q. I suppose a bargain is made beforehand?—A. Yes. They have a settled price among them.

Q. Does that price never vary?—A. Yes. Sometimes when the fish are plentiful, vessels will not give as much as when they are scarce.

Q. Then when you say a "settled price," you mean a price agreed upon between the parties at the time?—A. Yes.

Q. In answer to Mr. Dana, you said it was rather rare for Americans to come in and fish within three miles of the shore for halibut. Is that the fact?—A. I don't think they fish a great deal within three miles of the shore.

Q. It is not a rare thing?—A. They do it; but they generally go more out.

Q. You have yourself seen them inside?—A. Yes.

Q. You have said that halibut sometimes come inshore?—A. They are not so plentiful inshore.

Q. And you say American fishermen are not particular whether they take them inshore or not.—A. No.

Q. If halibut were plentiful inshore the Americans would follow the fish in?—A. Yes.

Q. You have said that Bankers which make long voyages do not

come in to your shores for bait?—A. Not those which went on salting voyages.

Q. It is too far for them to come?—A. Yes; and some of our own vessels do not come back.

Q. About how many American vessels come into the small harbor of Shelburne every year for bait?—A. I could not tell you exactly. There are 4, 5, 8, 10, or 15 at a time there.

Q. How many in the course of the season?—A. I could not tell you unless I made an estimate.

Q. You say there are 4, 5, 10, or 15 at a time; they would come in every fortnight?—A. They are in and out, those which fish off there.

Q. They each come in three time during a trip?—A. Yes; but when one goes out another comes in. Some of them are in mostly all the time.

Q. In other words, the waters are never free of American vessels coming in for bait?—A. No.

By Hon. Mr. Kellogg:

Q. Is Shelburne on a bay or river?—A. It is up Shelburne River.

Q. Do you live on the bay?—A. I live five miles below the town. I am a little off the point.

Q. How long is the bay?—A. It goes up five miles. I live down at the point.

Q. Do you live where you can command the bay?—A. Yes; right at the point.

By Mr. Thomson:

Q. You can see over the bay from where you live?—A. I cannot see exactly from my establishment, but a quarter of a mile distant, where my business calls me, I can see right out. Almost all American vessels anchor off my place and come right round the point.

No. 80.

ROBERT G. NOBLE, fish merchant, residing at Halifax, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you been engaged for some years in the fish trade?—Answer. I have.

Q. Where have you conducted your operations?—A. In Halifax.

Q. Are you a member of the firm of Noble & Sons?—A. I was.

Q. Have you made up from your books a return showing the prices paid by you for fish to fishermen in Halifax during a number of years?—A. Yes; this (statement produced) is a statement taken from the returns of Robert Noble & Sons, extending from 1861 to 1876, inclusive.

Q. What does it show?—A. The price paid for No. 1 and No. 2 mackerel.

Q. Where?—A. Paid to fishermen in Halifax.

Q. State what the average prices were.—A. 1861, No. 1, \$12; No. 2, \$7. 1862, No. 1, \$10; No. 2, \$6. 1863, No. 1, \$11; No. 2, \$7. 1864, No. 1, \$9; No. 2, \$6. 1865, No. 1, \$14; No. 2, \$11. 1866, No. 1, \$10; No. 2, \$9. 1867, No. 1, \$9; No. 2, \$8. 1868, No. 1, \$14; No. 2, \$11. 1869, No. 1, \$16; No. 2, \$13. 1870, No. 1, \$18; No. 2, \$12. 1871, No. 1, \$9; No. 2, \$7. 1872, No. 1, \$8; No. 2, \$6. 1873, No. 1, \$11; No. 2, \$9. 1874, No. 1, \$9; No. 2, \$7. 1875, No. 1, \$12; No. 2, \$10. 1876, No. 1, \$10; No. 2, \$8.25.

Statement prepared by witness, put in and filed, and is as follows:

Prices paid to fishermen by Messrs. Noble & Son.

| | No. 1 | No. 2 |
|---------------|-------|-------|
| 1861-'2..... | 12 | 7 |
| 1862-'3..... | 10 | 6 |
| 1863-'4..... | 11 | 7 |
| 1864-'5..... | 9 | 6 |
| 1865-'6..... | 14 | 11 |
| Average | 11.20 | 7.40 |
| 1866-'7..... | 10 | 9 |
| 1867-'8..... | 9 | 8 |
| 1868-'9..... | 14 | 11 |
| 1869-'70..... | 16 | 13 |
| 1870-'1..... | 18 | 12 |
| 1871-'2..... | 9 | 7 |
| 1872-'3..... | 8 | 6 |
| Average | 12.00 | 9.40 |
| 1873-'4..... | 11 | 9 |
| 1874-'5..... | 9 | 7 |
| 1875-'6..... | 12 | 10 |
| 1876-'7..... | 10 | 8.25 |
| Average | 10.50 | 8.68 |

Q. I am instructed that you have prepared a statement from the books of Mr. A. H. Crowe, fish merchant, Halifax, covering a period of years—A. I have.

Q. What does it show?—A. The statement shows the prices at which Mr. Crowe sold fish to merchants in Halifax who received orders from the United States to buy.

Q. During what years?—A. From 1861 to 1875.

Q. Will you give the averages?—A. 1860 to 1866, No. 1 mackerel, \$13.12; No. 2, \$8.74. 1867 to 1873, No. 1, \$13.05; No. 2, \$9.43. 1874 to 1877, No. 1, \$12.37; No. 2, \$10.

Q. A slightly higher price was obtained between 1867 and 1873 than since the Washington treaty has been in operation?—A. Yes.

Q. No. 3 mackerel averaged \$6.65 from 1860 to 1866, \$6.55 from 1867 to 1873, and \$8 from 1874 to 1877?—A. Yes.

Q. There is greater demand for them?—A. There appears to be a greater demand for the lower numbers.

Q. Has the commercial depression had anything to do with it?—A. Probably.

Statement prepared by witness from the books of Mr. A. H. Crowe put in, filed, and is as follows:

| Kind of fish. | December. | January. | February. | Average. |
|---------------------|-----------|----------|-----------|----------|
| 1860-'61: | | | | |
| No. 1 mackerel..... | \$16 00 | ..... | ..... | \$16 00 |
| No. 2 mackerel..... | 13 00 | ..... | ..... | 13 00 |
| No. 3 mackerel..... | 8 00 | ..... | ..... | 8 00 |
| Herring..... | 4 00 | ..... | ..... | 4 00 |
| 1861-'62: | | | | |
| No. 1 mackerel..... | 13 00 | \$13 00 | \$13 00 | 13 00 |
| No. 2 mackerel..... | 6 00 | 6 50 | 6 50 | 6 33 |
| No. 3 mackerel..... | 4 75 | 4 75 | 5 50 | 5 00 |
| Herring..... | 3 25 | 3 00 | 3 40 | 3 22 |
| 1862-'63: | | | | |
| No. 1 mackerel..... | 11 50 | 12 00 | ..... | 11 75 |
| No. 2 mackerel..... | ..... | ..... | ..... | ..... |
| No. 3 mackerel..... | ..... | ..... | ..... | ..... |
| Herring..... | ..... | ..... | ..... | ..... |
| 1863-'64: | | | | |
| No. 1 mackerel..... | 12 50 | ..... | 13 00 | 12 75 |
| No. 2 mackerel..... | 6 50 | ..... | 7 00 | 6 75 |
| No. 3 mackerel..... | 5 75 | ..... | 5 75 | 5 75 |
| Herring..... | 3 75 | ..... | 3 75 | 3 75 |
| 1864-'65: | | | | |
| No. 1 mackerel..... | 10 00 | ..... | 11 00 | 10 50 |
| No. 2 mackerel..... | 5 75 | ..... | 7 00 | 6 37 |
| No. 3 mackerel..... | 5 25 | 5 75 | 6 00 | 5 66 |
| Herring..... | 3 80 | 3 75 | 3 75 | 3 76 |
| 1865-'66: | | | | |
| No. 1 mackerel..... | 15 00 | ..... | 14 50 | 14 75 |
| No. 2 mackerel..... | 11 50 | ..... | 11 00 | 11 25 |
| No. 3 mackerel..... | 9 00 | 8 62 | 9 00 | 8 87 |
| Herring..... | 5 50 | 5 50 | 5 00 | 5 33 |
| 1866-'67: | | | | |
| No. 1 mackerel..... | 11 00 | 9 25 | 9 25 | 9 83 |
| No. 2 mackerel..... | 8 50 | 8 00 | 8 00 | 8 16 |
| No. 3 mackerel..... | 7 00 | 7 25 | 7 25 | 7 16 |
| Herring..... | 3 40 | 3 25 | 3 25 | 3 30 |
| 1867-'68: | | | | |
| No. 1 mackerel..... | ..... | 9 25 | ..... | 9 25 |
| No. 2 mackerel..... | ..... | 8 00 | ..... | 8 00 |
| No. 3 mackerel..... | 6 25 | 6 25 | ..... | 6 25 |
| Herring..... | 4 25 | 4 25 | ..... | 4 25 |
| 1868-'69: | | | | |
| No. 1 mackerel..... | 16 00 | ..... | ..... | 16 00 |
| No. 2 mackerel..... | 13 50 | ..... | ..... | 13 50 |
| No. 3 mackerel..... | 7 00 | 8 00 | ..... | 7 50 |
| Herring..... | 4 50 | 4 50 | ..... | 4 50 |
| 1869-'70: | | | | |
| No. 1 mackerel..... | ..... | 18 00 | ..... | 18 00 |
| No. 2 mackerel..... | ..... | 14 00 | ..... | 14 00 |
| No. 3 mackerel..... | 8 00 | 8 00 | 8 00 | 8 00 |
| Herring..... | 3 75 | 3 75 | 4 00 | 3 83 |
| 1870-'71: | | | | |
| No. 1 mackerel..... | ..... | 18 00 | ..... | 18 00 |
| No. 2 mackerel..... | ..... | ..... | ..... | ..... |
| No. 3 mackerel..... | 8 00 | 8 00 | 7 75 | 7 92 |
| Herring..... | 4 75 | 4 25 | 4 62 | 4 54 |
| 1871-'72: | | | | |
| No. 1 mackerel..... | 10 00 | 9 00 | ..... | 9 50 |
| No. 2 mackerel..... | ..... | 6 00 | ..... | 6 00 |
| No. 3 mackerel..... | 4 25 | 4 00 | ..... | 4 12 |
| Herring..... | 4 00 | 4 00 | 4 00 | 4 00 |
| 1872-'73: | | | | |
| No. 1 mackerel..... | ..... | 10 62 | 11 00 | 10 81 |
| No. 2 mackerel..... | 6 75 | 7 00 | 7 00 | 6 92 |
| No. 3 mackerel..... | 4 50 | 4 75 | 5 50 | 4 92 |
| Herring..... | 3 50 | 3 00 | 2 50 | 3 00 |
| 1873-'74: | | | | |
| No. 1 mackerel..... | 12 50 | 11 00 | ..... | 11 75 |
| No. 2 mackerel..... | 11 00 | ..... | ..... | 11 00 |
| No. 3 mackerel..... | 9 00 | ..... | ..... | 9 00 |
| Herring..... | 4 50 | ..... | ..... | 4 50 |
| 1874-'75: | | | | |
| No. 1 mackerel..... | ..... | 9 50 | 9 00 | 9 25 |
| No. 2 mackerel..... | ..... | ..... | 7 00 | 7 00 |
| No. 3 mackerel..... | 6 00 | 6 00 | 6 00 | 6 00 |
| Herring..... | 4 25 | 4 00 | 4 25 | 4 16 |

Statement from the books of A. H. Crowe—Continued.

| Kind of fish. | December. | January. | February. | Average. |
|---------------------|-----------|----------|-----------|----------|
| 1875-'76: | | | | |
| No. 1 mackerel..... | | \$15 00 | | \$15 00 |
| No. 2 mackerel..... | | 12 00 | | 12 00 |
| No. 3 mackerel..... | \$8 00 | 9 87 | | 8 93 |
| Herring | 4 50 | 4 00 | | 4 25 |
| 1876-'77: | | | | |
| No. 1 mackerel..... | 13 00 | 14 00 | | 13 50 |
| No. 2 mackerel..... | 10 00 | | | 10 00 |
| No. 3 mackerel..... | 8 00 | | | 8 00 |
| Herring | 4 50 | | | 4 50 |

GENERAL AVERAGES.

| Year. | Mackerel. | | | Herring. |
|--------------------|-----------|--------|--------|----------|
| | No. 1. | No. 2. | No. 3. | |
| 1860 to 1866 | \$13 12 | \$8 74 | \$6 65 | \$4 00 |
| 1867 to 1873 | 13 05 | 9 43 | 6 55 | 3 92 |
| 1874 to 1877 | 12 37 | 10 00 | 8 00 | 4 25 |

Q. You have made up a statement also from the books of Young & Hart?—A. Yes.

Q. Covering what period?—A. From 1861 to 1877. This statement shows the prices realized in Halifax on fish consigned to United States markets.

Q. Does the statement show the different places where the consignments were sold?—A. No. They were sold in Boston, New York, and Philadelphia.

Q. Do you know that to be a fact?—A. Yes.

Q. Give the aggregate results.—A. From 1861 to 1866 average price of No. 1 mackerel, \$19.10 United States currency, or \$13.81 gold. From 1867 to 1873 average price of No. 1 mackerel, \$21.71 United States currency, or \$17.77 gold. From 1874 to 1877 average price of No. 1 mackerel, \$15.44 United States currency, or \$14.01 gold. They are sold duty paid.

Statements prepared by witness from the books of Messrs. Young & Hart, handed in, filed, and are as follows :

Statement showing prices in United States currency and net prices in gold realized in Halifax, on fish consigned from Halifax to the United States, during the months of February and March, from 1861 to 1877.

[Extracted from account of sales rendered by consignees.]

No. 1 MACKEREL.

| Year. | Currency. | Value of cur- rency. | Price in gold. | Duty, freights, and commis- sions. | Net proceeds in gold. |
|---------------|-----------|-------------------------|----------------|--|--------------------------|
| 1861 | \$19 50 | \$1 00 | \$19 50 | \$1 47 | \$18 03 |
| 1862 | 16 62 | 98 | 16 29 | 1 31 | 14 98 |
| 1863 | 19 50 | 58 | 11 31 | 1 06 | 10 25 |
| 1864 | 21 00 | 63 | 13 23 | 1 16 | 12 07 |
| 1865 | 22 50 | 50 | 11 25 | 1 06 | 10 19 |
| 1866 | 15 50 | 73 | 11 31 | 1 06 | 10 25 |
| Total | 114 62 | 4 42 | 82 89 | 7 12 | 75 77 |
| Average | 19 10 | 73 | 13 81 | 1 19 | 12 66 |
| 1867 | 17 00 | 71 | 12 07 | 3 10 | 8 97 |
| 1868 | 20 00 | 71 | 14 20 | 3 20 | 11 00 |
| 1869 | 28 50 | 76 | 21 66 | 3 58 | 18 08 |
| 1870 | 27 00 | 87 | 23 49 | 3 47 | 20 02 |
| 1871 | 26 50 | 90 | 23 85 | 3 47 | 20 38 |
| 1872 | 15 00 | 90 | 13 50 | 3 15 | 10 35 |
| 1873 | 18 00 | 87 | 15 66 | 3 25 | 12 41 |
| Total | 152 00 | 5 72 | 124 43 | 23 22 | 101 21 |
| Average | 21 71 | 82 | 17 77 | 3 31 | 14 46 |
| 1874 | 18 00 | 89 | 16 02 | 1 30 | 14 72 |
| 1875 | 8 75 | 87 | 7 61 | 88 | 6 73 |
| 1876 | 17 50 | 90 | 15 75 | 1 28 | 14 47 |
| 1877 | 17 50 | 95 | 16 66 | 1 33 | 15 33 |
| Total | 61 75 | 3 61 | 56 04 | 4 79 | 51 25 |
| Average | 15 44 | 90 | 14 01 | 1 20 | 12 81 |

No. 2 MACKEREL.

| | | | | | |
|---------------|---------|--------|---------|--------|---------|
| 1861 | \$16 50 | \$1 00 | \$16 50 | \$1 32 | \$15 18 |
| 1862 | 8 75 | 98 | 8 58 | 92 | 7 66 |
| 1863 | 9 50 | 54 | 5 51 | 77 | 4 74 |
| 1864 | 13 50 | 63 | 8 50 | 92 | 7 58 |
| 1865 | 15 50 | 50 | 7 75 | 88 | 6 87 |
| 1866 | 14 00 | 73 | 10 22 | 1 00 | 9 22 |
| Total | 77 75 | 4 42 | 57 06 | 5 81 | 51 25 |
| Average | 12 96 | 73 | 9 51 | 97 | 8 54 |
| 1867 | 16 00 | 71 | 11 36 | 3 06 | 8 30 |
| 1868 | 17 75 | 71 | 12 60 | 3 13 | 9 47 |
| 1869 | 25 50 | 76 | 19 38 | 3 46 | 15 92 |
| 1870 | 22 00 | 87 | 19 14 | 3 45 | 15 69 |
| 1871 | 16 00 | 90 | 14 40 | 3 22 | 11 18 |
| 1872 | 10 50 | 10 | 9 45 | 2 97 | 6 48 |
| 1873 | 12 00 | 87 | 10 44 | 3 12 | 7 32 |
| Total | 119 75 | 5 72 | 96 77 | 22 41 | 74 36 |
| Average | 17 11 | 81 | 13 84 | 3 20 | 10 62 |
| 1874 | 15 00 | 89 | 13 35 | 1 16 | 12 19 |
| 1875 | 7 62 | 87 | 6 63 | 83 | 5 80 |
| 1876 | 13 75 | 90 | 12 37 | 1 11 | 11 26 |
| 1877 | 9 75 | 95 | 9 27 | 95 | 8 32 |
| Total | 46 12 | 3 61 | 41 62 | 4 05 | 37 57 |
| Average | 11 53 | 90 | 10 40 | 1 01 | 9 39 |

Statement showing prices in United States currency, &c.—Continued.

No. 3 MACKEREL.

| Year. | Currency. | Value of cur- rency. | Price in gold. | Duty, freight, and comm.s. alone. | Net proceeds in gold. |
|---------------|-----------|-------------------------|----------------|---|--------------------------|
| 1861 | \$8 50 | \$1 00 | \$8 50 | 80 92 | \$7 58 |
| 1862 | 6 25 | 98 | 6 12 | 70 | 5 38 |
| 1863 | 6 75 | 58 | 3 98 | 68 | 3 28 |
| 1864 | 9 50 | 63 | 5 98 | 88 | 5 18 |
| 1865 | 14 25 | 50 | 7 12 | 85 | 6 27 |
| 1866 | 13 25 | 73 | 9 67 | 98 | 8 68 |
| Total | 58 50 | 4 42 | 41 29 | 5 04 | 36 25 |
| Average | 9 75 | 73 | 6 88 | 64 | 6 04 |
| 1867 | 13 50 | 71 | 9 58 | 2 97 | 6 61 |
| 1868 | 12 00 | 71 | 8 52 | 2 92 | 5 60 |
| 1869 | 14 50 | 76 | 11 02 | 3 05 | 7 97 |
| 1870 | 12 50 | 87 | 10 88 | 3 04 | 7 84 |
| 1871 | 12 00 | 90 | 10 80 | 3 04 | 7 76 |
| 1872 | 6 75 | 90 | 6 07 | 2 80 | 3 27 |
| 1873 | 9 00 | 87 | 7 83 | 2 89 | 4 94 |
| Total | 80 25 | 5 72 | 64 70 | 20 71 | 43 98 |
| Average | 11 46 | 82 | 9 24 | 2 96 | 6 28 |
| 1874 | 9 50 | 89 | 8 45 | 92 | 7 53 |
| 1875 | 6 75 | 87 | 5 87 | 79 | 5 08 |
| 1876 | 10 75 | 90 | 9 67 | 98 | 8 68 |
| 1877 | 8 75 | 95 | 8 32 | 92 | 7 40 |
| Total | 35 75 | 3 61 | 32 31 | 3 61 | 28 70 |
| Average | 8 94 | 90 | 8 08 | 90 | 7 18 |

Statement showing the prices in United States currency of mackerel and herring sold in United States, having been consigned by Messrs. Young, Hart & Co., of Halifax, for sale on their account, from 1861 to 1876.

AWARD OF THE FISHERY COMMISSION.

| Year. | January. | | | February. | | | March. | | | April. | | | May. | | | June. | | |
|-------|-----------|--------|--------|-----------|--------|--------|-----------|--------|--------|-----------|--------|--------|-----------|--------|--------|-----------|--------|----------|
| | Mackerel. | | | Mackerel. | | | Mackerel. | | | Mackerel. | | | Mackerel. | | | Mackerel. | | |
| | 1. | 2. | 3. | 1. | 2. | 3. | 1. | 2. | 3. | 1. | 2. | 3. | 1. | 2. | 3. | 1. | 2. | 3. |
| | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Dolls. | Herrings |
| 1861. | 19 | 16 | 8½ | 4 | 20 | 18 | 19 | 15 | 8 | 18 | 15 | 8½ | 17 | 15 | 9 | 16 | 13½ | 4 |
| 1862. | 16 | 9 | 6½ | 4 | 15½ | 9 | 17½ | 8½ | 6 | 16 | 7 | 6 | 15 | 7 | 6 | 16 | 10 | 4 |
| 1863. | | | | 4½ | 19 | 9½ | 20 | 9½ | 6½ | 16 | 8 | 6 | 16 | 8½ | 6½ | 17 | 10 | 5½ |
| 1864. | | | | 4½ | 21 | 13½ | 21 | 13½ | 9½ | 22½ | 13½ | 9½ | 25 | 14 | 10½ | | | |
| 1865. | | | | 9½ | 22 | 15 | 23 | 16 | 7 | | | | 24 | 16 | 15 | 26 | 16 | 10½ |
| 1866. | | | | | | | 15½ | 14 | 13½ | 23 | 16 | 14½ | 19 | 16½ | 14½ | 18 | 16 | 7 |
| 1867. | | | | | | | 17 | 16 | 13½ | 20½ | 18 | 11½ | 21½ | 19 | 15 | 19 | 17 | 8 |
| 1868. | | | | | | | 20 | 17½ | 12 | | | | 22½ | 19½ | 10½ | 22½ | 19½ | 8½ |
| 1869. | | | | | | | 26½ | 26 | 14½ | | | | 28 | 25 | 16 | 28 | 25 | 7½ |
| 1870. | | | | | | | | | | | | | 27 | 22 | 12½ | | | |
| 1871. | | | | | | | | | | | | | 26½ | 16 | 12 | | | |
| 1872. | | | | | | | | | | 15 | 10½ | 6½ | 15 | 10½ | 6 | | | |
| 1873. | | | | 5½ | 18 | 12 | | | | 18 | 11½ | 9 | | | | | | |
| 1874. | 16½ | 13 | 10½ | 6 | | | 18 | 15 | 9½ | | | | 15 | 10 | 9½ | | | |
| 1875. | 9½ | 8½ | 7 | 5½ | 9½ | 8 | 8 | 7½ | 6½ | 8½ | 7½ | 6½ | 10 | 7½ | 6½ | 11 | 9 | 6½ |
| 1876. | 20 | 15½ | 11 | 6 | 19 | 15 | 16 | 12½ | 10½ | 18 | 12½ | 10½ | 17 | 12 | 10 | 16 | 11 | 9½ |
| 1877. | 17½ | 10 | 8½ | 5½ | 18 | 10 | 17 | 9½ | 8 | 16 | 9½ | 8½ | 15 | 10 | 8½ | 15 | 10 | 7½ |

Q. During the period between 1867 and 1873, No. 1 mackerel, duty paid, realized \$17.77 in gold, and from 1874 to 1877 they realized \$14.01?—A. Yes, that is the average.

Q. These figures were made up by you from the books themselves?—A. Yes.

Q. A question was asked the last witness as to whether the demand for mackerel in Halifax market had declined of late years. Has the demand declined?—A. I think for the past two years the demand for mackerel has not been quite so good.

Q. Previous to the last two years, would you say there had been any decrease in the demand? Take 1874; was there good demand for mackerel that year?—A. I think the demand was equally good in 1874.

Q. Are you aware, from an examination of the statistics, whether the importations of British-caught mackerel in the United States have increased or decreased during the last few years?—A. I have not examined the statistics.

Q. How is the demand this year?—A. The demand is far greater than it has been for many years.

Q. Mackerel are bringing high prices?—A. Mackerel are bringing high prices at present. Almost every sale they are higher.

Q. What are the present prices?—A. There are no No. 1 in the market, for it is too early for them. No. 2 large are selling at \$10.50.

Q. That is a larger price than is usually paid for fish of that description?—A. Not larger. It is larger than was paid last year and the year before.

Q. The demand is good?—A. The demand is good at present. There are orders here which cannot be filled, in consequence of the fish not coming forward. At every sale there appears to be a slight increase in the price realized at former sales this month.

Q. You do not know what price P. E. Island number ones realize?—A. We have none of them here.

Q. I see that the quotations in to-day's paper are—P. E. Island number ones, \$17 to \$18; large twos, \$17 to \$18; and shore twos, \$12 to \$14?—A. Those are Boston quotations.

By Mr. Dana:

Q. Will you tell me, from Noble & Son's account, the average price paid in Halifax, say from 1861 to 1866, inclusive?—A. It is \$11.20 for number ones.

Q. And what is it from 1867 to 1873?—A. \$12 for number ones.

Q. And from 1874 to 1876?—A. \$10.50.

Q. With Noble & Sons, from 1861 to 1866, number one mackerel cost \$11.20 here, on the average?—A. Yes.

Q. And Young & Hart, during the same period of time, from 1861 to 1866, sold them in the United States, duties paid, at an average of \$13.81?—A. No; but for \$19.20.

Q. I speak of gold; they sold at \$13.81; and how much, then, would be the difference, not the profit, between the prices in question?—A. It would be \$2.60.

Q. Then comes freight, insurance, &c.?—A. Yes.

Q. From 1867 to 1873, a duty of \$2 in gold per barrel was levied; and I think that Young & Hart, during that period, sold these fish in the United States at an average price of \$17.77?—A. Yes.

Q. And they paid their own duties?—A. Yes.

Q. And what was the price which Robert Noble & Sons gave during the same period?—A. It was \$12 from 1866 to 1873.

Q. Then, as the fish could be bought in the market for \$12, and as they were sold in the United States for \$17.77, duties paid, which price might really be called \$15.77, that margin was left for profit?—A. Yes.

Q. Prices have been high this year?—A. Yes.

Q. I suppose that the reports which have come in from the fisheries have been such as to raise the prices?—A. The catch has been short, and the demand has been large.

By Mr. Davies:

Q. Do I understand you to mean, when you quote the prices obtained by Young, Hart & Company, that these were net receipts received from the sale of their fish, or did they pay their expenses out of them?—

A. They had to pay their expenses, certainly, from these receipts.

Q. You speak of \$13.81 as the average price received from 1860 to 1866; were these the net or gross receipts?—A. They are gross receipts.

By Mr. Foster:

Q. Does not the price of mackerel vary very much from year to year, according to the prospective and the actual catch?—A. Certainly.

Q. Is it not a very speculative commodity?—A. It is regulated in price altogether by the catch.

Q. And if at the beginning of the season the prospects betoken a small catch, the price runs up very high?—A. We never can judge at the beginning of the season what the catch is going to be.

Q. Does the price not vary very much between July and September?—A. Certainly, because by September we can ascertain what the catch is going to be.

Q. It is speculation on the probable catch that makes this great variation?—A. That is not always the case.

Q. Does it not account for a large part of it?—A. Of course it accounts for some of it.

Q. Is it a strange thing to have mackerel vary \$5 a barrel in these two months?—A. I never knew this to be the case.

Q. How much is the greatest variation you have known during those two months? Here is a statement of a variation of from \$25 to \$18.—A. No; those figures relate to sales.

Q. Between July and September of the same year, the price varied from \$25 to \$18, making a difference of \$5; this was in 1865, I believe. What caused it?—A. I understood you to question me with reference to the prices of fish; that is a statement concerning fish sold in the United States.

Q. What difference would this make?—A. That is a statement of fish sold in the United States.

Q. The difference between prices in Halifax and Boston do not vary much, except as to the cost of transportation, do they?—A. But that has no reference to the trade of Halifax. Those are prices for fish sold in the United States.

Q. Suppose that is so, then there would be as much variation in prices in Halifax as in Boston?—A. That year we had no such fish in Halifax during the months you name.

Q. They were all sold out?—A. Yes; all shipped from here.

Q. How late is it in the season before you get rid of your No. 1 mackerel?—A. This is generally done in the winter months. They are then shipped.

Q. So you have no stock here in July?—A. Those are prices at which the fish were sold in and consignments made to the United States.

No. 81.

JAMES BARRY, member of the civil service, statistical branch, customs department, Ottawa, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You have made an examination, I believe, of the Canadian statistical returns respecting lumber, coal, and salt?—Answer. Yes.

Q. As contained in the trade and navigation returns?—A. Yes.

Q. I want you to tell the Commission in reference to the articles of lumber, coal, and salt, exported from Canada to the United States, what the values of these articles were during the years extending from 1867 to 1870, when the duties on them were imposed?—A. This is shown in the following table:

No. 1.—Statement showing the annual duties accrued upon coal, salt, and lumber, upon importation into the United States from Canada, during the fiscal years ended June 30, 1867, 1868, 1869, and 1870, respectively.

| Articles. | 1867. | 1868. | 1869. | 1870. | Total, 1867 to 1870. | Annual average. |
|--|---------------|---------------|---------------|---------------|----------------------|-----------------|
| Lumber..... | \$1, 221, 640 | \$1, 289, 735 | \$1, 379, 760 | \$1, 674, 585 | \$5, 565, 720 | \$1, 391, 430 |
| Coal | 423, 017 | 285, 184 | 321, 481 | 210, 225 | 1, 239, 907 | 309, 977 |
| Salt..... | 14, 542 | 9, 970 | 48, 692 | 20, 899 | 94, 103 | 23, 526 |
| Total..... | 1, 659, 199 | 1, 584, 889 | 1, 749, 933 | 1, 905, 709 | 6, 899, 730 | 1, 724, 933 |
| Deduct duties collected on imports from United States: | | | | | | |
| Lumber..... | | | | | 12, 620 | |
| Coal | | | | | 23, 493 | |
| Salt..... | | | | | 334 | |
| | | | | | 36, 647 | 9, 162 |
| | | | | | | 1, 715, 771 |

\$1,715,771 × 12 = \$20, 589, 252
Less two years' duty on lumber*..... 2, 782, 860
Aggregate remissions for twelve years..... 17, 806, 392

JAMES BARRY.

* This deduction is made because the remission of duties on lumber offered by the United States Commissioners at the Joint High Commission was not to come into force until two years after the treaty came into operation.

No. 2.—Statement showing the value of timber and lumber of all kinds exported to and imported from the United States by the Dominion of Canada; also the duty payable thereon in each country, respectively, from 1867 to 1870, inclusive.

| | Exported to United States. | | | Imported from United States. | | |
|------------------------------|----------------------------|-------------|--------------------------------|------------------------------|----------|---------------------------|
| | Quantity. | Value. | Duty payable in United States. | Quantity. | Value. | Duty collected in Canada. |
| 1867. | | | | | | |
| Ontario and Quebec..... | | \$6,204,977 | | | \$57,482 | Free. |
| Do..... | | | | | 21,397 | \$3,220 00 |
| Nova Scotia, 9 months..... | | 74,541 | | | 11,675 | |
| New Brunswick, 6 months..... | | 37,583 | | | 5,894 | |
| Do..... | | | | | 1,865 | 55 95 |
| Prince Edward Island..... | | 598 | | | 1,275 | |
| 1868. | | 6,656,049 | \$1,221,640 60 | | 99,568 | 3,276 75 |
| Ontario and Quebec..... | | 6,672,664 | | | 109,574 | Free. |
| Do..... | | | | | 26,170 | 3,225 47 |
| Nova Scotia..... | | 96,735 | | | 4,268 | |
| Do..... | | | | | 104 | 10 40 |
| New Brunswick..... | | 332,781 | | | | |
| Prince Edward Island..... | | 394 | | | 1,134 | |
| 1869. | | 7,102,574 | 1,289,735 10 | | 141,250 | 3,235 57 |
| Ontario..... | | 4,032,090 | | | 140,682 | Free. |
| Do..... | | | | | 16,984 | 2,547 77 |
| Quebec..... | | 2,179,785 | | | 5,759 | |
| Do..... | | | | | 2,257 | 338 25 |
| Nova Scotia..... | | 203,048 | | | 13,931 | |
| Do..... | | | | | 80 | 11 93 |
| New Brunswick..... | | 420,166 | | | 40,194 | |
| Do..... | | | | | 333 | 48 85 |
| Prince Edward Island..... | | 58 | | | 3,377 | |
| 1870. | | 6,835,147 | 1,379,760 00 | | 223,527 | 2,947 90 |
| Ontario..... | | 4,693,725 | | | 147,372 | Free. |
| Do..... | | | | | 14,931 | 2,220 46 |
| Quebec..... | | 2,930,811 | | | 50,030 | |
| Do..... | | | | | 1,563 | 237 37 |
| Nova Scotia..... | | 207,894 | | | 16,333 | Free. |
| New Brunswick..... | | 473,892 | | | 36,515 | Free. |
| Do..... | | | | | 1,238 | 135 70 |
| Prince Edward Island..... | | 1,951 | | | 1,338 | Free. |
| | | 8,308,273 | 1,674,585 00 | | 269,340 | 2,682 53 |
| Total (4 years)..... | | 28,902,043 | 5,565,720 00 | | | 12,820 00 |
| Annual average..... | | | 1,391,430 00 | | | 3,205 00 |

Vide Statement No. 1.

JAMES BARRY.

Statement No. 3, showing the quantity and value of coal exported to and imported from the United States by the Dominion of Canada ; also, the duty payable thereon in each country, respectively, from 1867 to 1870, inclusive.

| | Exported to United States. | | | Imported from United States. | | |
|--|----------------------------|-----------------|-----------------|------------------------------|-----------------|-----------------|
| | Quantity. | Value. | Duty. | Quantity. | Value. | Duty. |
| 1867. | <i>Tons.</i> | <i>Dollars.</i> | <i>Dollars.</i> | <i>Tons.</i> | <i>Dollars.</i> | <i>Dollars.</i> |
| Ontario and Quebec..... | ..... | ..... | ..... | 182,669 | 730,676 | ..... |
| Nova Scotia (9 months)..... | ..... | ..... | ..... | 1,278 | 10,080 | ..... |
| New Brunswick (6 months)..... | ..... | ..... | ..... | 2,943 | 9,750 | 292 50 |
| Prince Edward Island..... | ..... | ..... | ..... | 20 | 156 | ..... |
| Broken period in Canada (quantity taken from United States returns)..... | 383,492 | 855,639 | 424,017 25 | 186,910 | 750,662 | 292 50 |
| 1868. | | | | | | |
| Ontario and Quebec..... | ..... | ..... | ..... | 183,391 | 791,998 | ..... |
| Nova Scotia..... | 198,920 | 400,652 | ..... | 2,242 | 11,728 | ..... |
| New Brunswick..... | 12,534 | 125,340 | ..... | ..... | ..... | ..... |
| Prince Edward Island..... | ..... | ..... | ..... | 81 | 399 | ..... |
| | 211,454 | 525,992 | 285,184 20 | 185,714 | 804,125 | ..... |
| 1869. | | | | | | |
| Ontario..... | 10 | 90 | ..... | 144,071 | 607,934 | ..... |
| Quebec..... | 155 | 974 | ..... | 48,146 | 187,443 | ..... |
| Nova Scotia..... | 376,135 | 578,190 | ..... | 5,061 | 21,847 | ..... |
| New Brunswick..... | 8,175 | 79,980 | ..... | 6,990 | 30,105 | ..... |
| Prince Edward Island..... | 40 | 82 | ..... | 170 | 769 | ..... |
| | 384,515 | 659,316 | 321,481 00 | 204,375 | 848,098 | ..... |
| 1870. | | | | | | |
| Ontario..... | 6 | 61 | ..... | 114,739 | 499,660 | Free. |
| Do..... | ..... | ..... | ..... | 31,725 | 156,479 | 15,862 57 |
| Quebec..... | 127 | 1,257 | ..... | 51,743 | 155,230 | Free. |
| Do..... | ..... | ..... | ..... | 13,676 | 53,131 | 6,838 20 |
| Nova Scotia..... | 209,448 | 398,621 | ..... | 852 | 7,101 | Free. |
| Do..... | ..... | ..... | ..... | 348 | 1,673 | 173 75 |
| New Brunswick..... | 5,405 | 54,777 | ..... | 6,018 | 29,236 | Free. |
| Do..... | ..... | ..... | ..... | 654 | 2,650 | 326 75 |
| Prince Edward Island..... | ..... | ..... | ..... | 101 | 666 | Free. |
| | 214,986 | 454,716 | 210,225 00 | 219,856 | 905,826 | 23,201 27 |
| Total (four years)..... | ..... | 2,495,663 | 1,239,907 00 | ..... | ..... | 23,493 00 |
| Annual average..... | ..... | ..... | 309,977 00 | ..... | ..... | 5,873 00 |

Vide Statement No. 1.

JAMES BARRY.

Statement No. 4, showing the quantity and value of salt exported to and imported from the United States by the Dominion of Canada ; also the duty payable thereon in each country, respectively, from 1867 to 1870, inclusive.

| Provinces. | Exported to United States. | | | Imported from United States. | | |
|--|----------------------------|----------|--------------------------------|------------------------------|-----------|---------------------------|
| | Quantity. | Value. | Duty payable in United States. | Quantity. | Value. | Duty collected in Canada. |
| 1867. | | | | | | |
| Ontario and Quebec.....bush. | ..... | ..... | ..... | 679,085 | \$188,952 | ..... |
| Nova Scotia, 9 months only..do.. | ..... | ..... | ..... | 4,624 | 1,271 | ..... |
| New Brunswick, 6 months only, packages ..... | ..... | ..... | ..... | 311 | 1,525 | \$17 25 |
| Prince Edward Island.....pkgs | ..... | ..... | ..... | 78 | 66 | ..... |
| | 7,347,589 | \$25,537 | \$14,541 94 | ..... | 201,984 | 17 25 |
| 1868. | | | | | | |
| Ontario and Quebec.....bush | ..... | ..... | ..... | 498,558 | 196,897 | ..... |
| Nova Scotia.....do.. | ..... | ..... | ..... | 13,192 | 1,665 | ..... |
| New Brunswick ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Prince Edward Island ....bush. | ..... | ..... | ..... | 400 | 121 | ..... |
| | 4,709,948 | 18,048 | 9,970 83 | 512,150 | 198,683 | ..... |
| 1869. | | | | | | |
| Ontario.....bush | ..... | ..... | ..... | 501,330 | 147,138 | ..... |
| Quebec.....do.. | ..... | ..... | ..... | 2,300 | 1,801 | ..... |
| Nova Scotia.....do.. | ..... | ..... | ..... | 11,427 | 1,160 | ..... |
| New Brunswick.....bbls | ..... | ..... | ..... | 1,159 | 2,057 | ..... |
| Prince Edward Island ....pkgs | ..... | ..... | ..... | 161 | 506 | ..... |
| | 23,186,834 | 70,245 | 48,692 00 | ..... | 152,662 | ..... |
| 1870. | | | | | | |
| Ontario.....bush.. | ..... | ..... | ..... | 250,358 | 66,824 | Free. |
| Do..... | ..... | ..... | ..... | 3,155 | 1,127 | 157 75 |
| Quebec..... | ..... | ..... | ..... | 4,153 | 706 | Free. |
| Do..... | ..... | ..... | ..... | 732 | 453 | 36 70 |
| Nova Scotia..... | ..... | ..... | ..... | 2,225 | 691 | Free. |
| Do..... | ..... | ..... | ..... | 2,109 | 374 | 105 45 |
| New Brunswick..... | ..... | ..... | ..... | 1,303 | 1,296 | Free. |
| Do..... | ..... | ..... | ..... | 351 | 281 | 17 35 |
| Prince Edward Island ..... | ..... | ..... | ..... | 200 | 112 | Free. |
| | 9,952,042 | 34,017 | 20,899 00 | 264,586 | 71,864 | 317 45 |
| Total (4 years)..... | ..... | 147,849 | 94,103 00 | ..... | ..... | 334 00 |
| Annual average ..... | ..... | ..... | 23,526 00 | ..... | ..... | 84 00 |

Vide Statement No. 1.

RECAPITULATION.

| | | | |
|--|----------------|---|------------|
| Average annual duties upon the following goods exported from Canada to United States : | | Average annual duties imposed on the following goods imported into Canada from the United States: | |
| Lumber | \$1,391,430 00 | Lumber..... | \$3,205 00 |
| Coal | 309,977 00 | Coal | 5,873 00 |
| Salt | 23,526 00 | Salt..... | 84 00 |
| | 1,724,933 00 | | 9,162 00 |

Vide Statement No. 1.

JAMES BARRY

Statement No. 5, showing the quantity and value of timber and lumber imported into the United States from the Dominion of Canada; also the duty payable thereon, annually, from 1867 to 1870, inclusive.

[Compiled from United States returns.]

| Timber and lumber. | Imported into the United States from Dominion of Canada. | | | |
|-------------------------------------|--|-------------|----------------|--|
| | Quantity. | Value. | Duty. | Rate of duty. |
| 1867. | | | | |
| Unmanufactured | | \$2, 559 | ..... | Free. |
| Shingle bolts and stave bolts | | 85, 061 | ..... | Do. |
| Boards, plank, and scantling | M. ft. 413, 375 | 3, 839, 960 | \$767, 992 00 | 20 per cent. |
| Timber, hewn | M. ft. 2, 823 | 175, 793 | 35, 158 60 | Do. |
| rough | | 413, 401 | 82, 680 20 | Do. |
| other | M. ft. 161, 203 | 1, 539, 364 | 307, 872 80 | Do. |
| Laths | M 64, 226 | 76, 634 | 15, 326 80 | Do. |
| Staves | M 6, 281 | 126, 102 | 12, 610 20 | 10 per cent. |
| | | 6, 258, 874 | 1, 221, 640 60 | |
| 1868. | | | | |
| Unmanufactured | | 2, 077 | ..... | Free. |
| Shingle bolts and stave bolts | | 119, 395 | ..... | Do. |
| Boards, planks, scantling, &c. | M. ft. 255, 494 | 2, 620, 842 | 524, 168 40 | 20 per cent. |
| Timber, hewn | M. ft. 2, 926 | 109, 254 | 21, 850 80 | Do. |
| rough | | 515, 763 | 103, 152 60 | Do. |
| Other lumber | M. ft. 300, 214 | 3, 032, 177 | 606, 435 40 | Do. |
| Laths | M 100, 723 | 112, 200 | 22, 440 00 | Do. |
| Staves | M 1, 181, 409 | 116, 879 | 11, 687 90 | 10 per cent. |
| | | 6, 628, 587 | 1, 289, 735 10 | |
| 1869. | | | | |
| Unmanufactured | | 38, 197 | ..... | Free. |
| Manufactures of | | 7, 093, 885 | 1, 379, 760 00 | Average 19 45 per cent. No details given. |
| | | 7, 132, 082 | 1, 379, 760 00 | |
| 1870. | | | | |
| Unmanufactured | | 27, 874 | ..... | Free. |
| Manufactures of | | 8, 610, 723 | 1, 674, 585 00 | Average 19.45 per cent. No details given. |
| | | 8, 638, 597 | 1, 674, 585 00 | |

JAMES BARRY.

Statement No. 6, showing the quantity and value of coal imported into the United States from the Dominion of Canada; also the duty payable thereon, annually, from 1867 to 1870, inclusive.

[Compiled from United States returns.]

| Coal. | Imported into United States from Dominion of Canada. | | | |
|------------------|--|------------|---------------|--------------------------|
| | Quantity. | Value. | Duty. | Rate of duty. |
| 1867. | | | | |
| Bituminous | 338, 377 | \$855, 007 | \$422, 971 25 | Per ton. \$1 25 40 |
| Other | 115 | 632 | 46 00 | |
| | 338, 492 | 855, 639 | 423, 017 25 | |
| 1868. | | | | |
| Bituminous | 228, 132 | 53, 251 | 285, 165 00 | 1 25 40 |
| Other | 48 | 269 | 19 20 | |
| | 228, 180 | 653, 520 | 285, 184 20 | |
| 1869. | | | | |
| Bituminous | 257, 185 | 630, 571 | 321, 481 00 | 1 2 |
| 1870. | | | | |
| Bituminous | 168, 180 | 384, 287 | 210, 225 00 | 1 25 |

JAMES BARRY.

Statement No. 7, showing the quantity and value of salt imported into the United States from the Dominion of Canada; also the duty payable thereon, from 1867 to 1870, inclusive.

[Compiled from United States returns.]

| Salt. | Imported into United States from Dominion of Canada. | | | |
|----------------------|--|-----------|-------------|----------------------------------|
| | Quantity. | Value. | Duty. | Rate of duty. |
| 1867. | | | | |
| In bulk, pounds..... | 5, 153, 775 | \$17, 374 | \$9, 276 79 | 18 cents per 100 pounds. |
| In bags, pounds..... | 2, 193, 814 | 8, 163 | 5, 265 15 | 24 cents per 100 pounds. |
| Total | 7, 347, 589 | 25, 537 | 14, 541 94 | |
| 1868. | | | | |
| In bulk, pounds..... | 2, 221, 726 | 6, 592 | 3, 999 10 | 18 cents per 100 pounds. |
| In bags, pounds..... | 2, 488, 222 | 11, 456 | 5, 971 73 | 24 cents per 100 pounds. |
| Total | 4, 709, 948 | 18, 048 | 9, 970 83 | |
| 1869. | | | | |
| Pounds | 23, 186, 834 | 70, 245 | 48, 692 00 | Average 21 cents per 100 pounds. |
| 1870. | | | | |
| Pounds | 9, 952, 042 | 34, 017 | 20, 899 00 | Average 21 cents per 100 pounds. |

JAMES BARRY.

Q. These are the figures for the four years when such duties were levied?—A. Yes.

Q. After the abrogation of the Reciprocity Treaty and before the Washington Treaty came into force?—A. Yes.

Q. What is the aggregate?—A. The aggregate value is \$28,902,043, and the aggregate duty, \$5,565,720.

Q. What are the aggregates for coal and salt during the same periods?—A. The aggregate value of coal exported from Canada to the United States, during the four years mentioned, is \$2,495,663, and the duty collected thereon, per United States returns, if entered for consumption, \$1,239,907. The aggregate value of salt exported from Canada to the United States for these four years, per United States returns, is \$147,847, and the duty collected thereon, if entered for consumption, \$94,103.

Q. Can you give the annual aggregate duty on these three articles?—A. It is \$1,724,933.

Q. Have you made up a similar statement respecting the exports of the same articles from the United States into Canada?—A. Yes.

Q. Read off the aggregates for each year.—A. They are contained in the same tables, and the duties average \$9,162 per annum.

Q. What would be the difference?—A. The difference between that and the amount I stated is \$1,715,771.

Q. Multiply that by twelve years, and what does it make?—A. \$20,589,252.

Q. What did you say the annual duties paid on lumber, imported into the United States from Canada, amounted to?—A. \$1,391,430.

Q. And doubling that, how much will it make?—A. \$2,782,860.

Q. Taking this from the aggregate twelve years' duties, payable on these three articles, \$20,589,252, what is the net result?—A. \$17,806,392.

Q. From what statistical returns did you compile these statements?—A. I took them both from Canadian and United States trade and navigation returns.

Q. And you have both of these here?—A. Yes.

Q. And you have carefully complied this statement?—A. Yes.

Mr. DAVIES. These returns are too voluminous to be read, but we

wish it to be understood that we have them here ready, and we desire them to come in as evidence before the Commission.

Q. I understand that you are prepared with a full statement showing the quantity of fish exported from the Dominion into the United States, and also from the United States into the Dominion, for a number of years?—A. Yes.

Q. These tables show the imports and exports of fish from the various provinces, and they are compiled from Canadian as well as from United States returns?—A. Yes; some relate to the period extending from 1850 to 1876; some to the period extending from 1854 to 1876, and some to the period between 1851 and 1876.

Q. They cover all the ground and give all the information which is to be gained from the returns of both countries?—A. Yes.

Q. Have you any summary of them made up?—A. Yes; it is as follows:

Summary statement No. 8, showing the value of fish and products of fish imported from United States and exported to United States and all other countries by Dominion of Canada (exclusive of British Columbia and Manitoba), during each year, from 1851 to 1876, inclusive.

| Year. | Imported from the United States. | Exported. | | |
|-------------------------|----------------------------------|-------------------|---------------------|-------------|
| | | To United States. | To other countries. | Total. |
| 1851..... | 30 | 86 | \$1,001,000 | \$1,545,321 |
| 1852..... | 31 | 85 | 1,087,090 | 2,510,864 |
| 1853..... | 44 | 118 | 1,848,155 | 2,032,573 |
| 1854..... | 100 | 97 | 2,902,500 | 3,222,786 |
| 1855..... | 43 | 52 | 2,190,813 | 3,774,965 |
| 1856..... | 50 | 77 | 2,446,300 | 3,916,687 |
| 1857..... | 45 | 79 | 2,061,068 | 3,259,640 |
| 1858..... | 60 | 40 | 2,509,256 | 3,945,396 |
| 1859..... | 32 | 03 | 2,708,260 | 4,541,063 |
| 1860..... | 00 | 14 | 2,784,495 | 4,432,709 |
| 1861..... | 63 | 54 | 2,555,043 | 3,398,197 |
| 1862..... | 34 | 02 | 2,591,707 | 3,408,669 |
| 1863..... | 100 | 00 | 2,782,189 | 3,548,502 |
| 1864..... | 75 | 78 | 2,903,267 | 3,559,045 |
| 1865..... | 40 | 1,979,496 | 2,929,286 | 4,908,712 |
| 1866..... | 28 | 1,809,355 | 3,021,577 | 4,830,932 |
| 1867..... | 08 | 1,106,779 | 2,407,794 | 3,516,503 |
| 1868..... | 56 | 1,103,850 | 2,466,668 | 3,592,527 |
| 1869..... | 43 | 1,206,805 | 2,221,157 | 3,429,962 |
| 1870..... | 09 | 1,120,685 | 2,700,601 | 3,830,966 |
| 1871..... | 31 | 1,067,341 | 3,169,755 | 4,257,096 |
| 1872..... | 70 | 933,041 | 3,568,315 | 4,512,356 |
| 1873..... | 40 | 1,393,389 | 3,482,547 | 4,875,916 |
| 1874..... | 21 | 1,612,295 | 2,892,223 | 4,504,579 |
| 1875..... | 87 | 1,637,712 | 3,608,074 | 5,245,786 |
| 1876..... | 57 | 1,455,629 | 3,973,457 | 5,429,086 |
| Total for 26 years..... | 7,032,610 | 32,580,343 | 68,115,774 | 100,696,117 |

Q. Can you give me the totals for the years from 1867 down for the two countries?—A. Yes; here it is:

Statement No. 9, showing the value of fish and products of fish exported from the Dominion of Canada (exclusive of British Columbia and Manitoba) and the Province of Newfoundland to the United States, per Canadian and Newfoundland returns; also the value of similar commodities imported into the United States from British North America, per United States returns, during ten years, from 1867 to 1876, inclusive.

| Years. | Exported to United States, per Canadian re- turns. | | | Imported, per United States returns. |
|---|---|--|---------------|--|
| | From Domin- ion of Can- ada. | From Province of Newfound- land. | Total. | From British North Amer- ica. |
| 1867..... | \$1, 108, 779 | \$246, 948 | \$1, 355, 727 | \$1, 773, 742 |
| 1868..... | 1, 103, 859 | 426, 887 | 1, 530, 746 | 930, 127 |
| 1869..... | 1, 208, 805 | 626, 557 | 1, 835, 362 | 1, 505, 299 |
| 1870..... | 1, 129, 665 | 309, 933 | 1, 439, 598 | 1, 428, 505 |
| 1871..... | 1, 087, 341 | 349, 475 | 1, 436, 816 | 1, 333, 945 |
| 1872..... | 933, 041 | 236, 231 | 1, 169, 272 | 1, 400, 161 |
| 1873..... | 1, 393, 389 | 242, 967 | 1, 636, 356 | 1, 690, 131 |
| 1874..... | 1, 612, 295 | 282, 250 | 1, 894, 545 | 2, 104, 134 |
| 1875..... | 1, 637, 712 | 225, 639 | 1, 863, 351 | 2, 346, 641 |
| 1876..... | 1, 455, 629 | 155, 447 | 1, 611, 076 | 1, 832, 297 |
| | 12, 670, 515 | 3, 102, 354 | 15, 772, 869 | 16, 467, 502 15, 772, 869 |
| Excess of American imports (as above) over Canadian exports | | | | 694, 633 |

JAMES BARRY.

Q. What period of years does that cover?—A. It covers the years from 1867 to 1876.

Q. What are the total imports from Canada into the United States?—A. Per Canadian returns they amount to \$12,670,515 for the Dominion of Canada, and to \$3,102,354 for the Province of Newfoundland, giving a total of \$15,772,869.

Q. Now, how are they given in the United States returns?—A. I find in them that the imports from British North America amounted to \$16,467,502.

Q. A slight discrepancy is shown; and the United States returns show a greater value as to our exports to them than do our own re- turns?—A. Yes.

Q. What is the difference?—A. It is \$694,633 for these ten years.

Q. A gentleman stated here in evidence that the returns of exports from Prince Edward Island to the States were incorrect; these returns were made up by you from United States statistics, showing that their imports from us during the period in question amounted to \$16,467,502? —A. Yes.

Q. The difference between the American and Canadian returns in this respect being \$694,633, by which amount the former exceed the lat- ter?—A. Yes.

Q. That makes a difference of about \$70,000 a year?—A. Yes.

Q. I want to know if you can tell me whether during the past ten years the quantity of mackerel imported into the United States from the Dominion of Canada, as appears by the statistical returns, has sensibly decreased or remained stationary?—A. I have looked into the United States returns for this information, and they give the results for seven years, but during three of these ten years, it seems that they have

omitted to record the quantity separately, lumping it together with other fish.

Q. You cannot give the quantity from the American returns for three years, because these returns are imperfect ?—A. Yes.

Q. But you can do so for the seven years ?—A. Yes ; they are as follows :

Statement (No. 10) showing the quantity of mackerel imported into the United States from British North America during each year from 1867 to 1876, respectively.

[Compiled from Commerce and Navigation Returns of United States.]

| | Barrels. |
|---|----------|
| 1867 | 77, 503 |
| 1868 | 41, 655 |
| 1869 (not given in United States returns) | |
| 1870 (not given in United States returns) | |
| 1871 (not given in United States returns) | |
| 1872 | 77, 731 |
| 1873 | 89, 698 |
| 1874 | 89, 693 |
| 1875 | 77, 479 |
| 1876 | 76, 538 |

JAMES BARRY.

Q. For the years 1867, 1872, 1875, and 1876 the quantity is as nearly as possible 77,000 barrels a year ?—A. Yes.

Q. And for 1873 and 1874, 89,000 barrels a year ?—A. Yes.

Q. You are a member of the civil service of Canada ?—A. Yes.

Q. In what department are you ?—A. In the customs department.

Q. And you are an expert at figures ?—A. I am in charge of the statistical branch.

Q. And that is your business ?—A. Yes.

Q. Your time is altogether devoted to making up statistics and dealing with them ?—A. Yes.

Q. And you have these trade and navigation returns here ?—A. Yes.

Q. And now ready for inspection ?—A. Yes.

Q. And you are ready to show them to the United States counsel, if it be so desired ?—A. Yes.

Q. And that statement is taken from the United States returns ?—A. Yes.

Q. Have you examined the returns with the object of gathering and compiling from them what have been the exports of cured and fresh fish from the United States to foreign countries during any number of years ?—A. Yes ; I have made up a table respecting this matter. It is as follows :

Statement (No. 11) showing the United States exports of dried and smoked, pickled, other cured, and fresh fish, of domestic and foreign production, respectively, for four years preceding the Reciprocity Treaty, six years during the operation of that treaty, seven years after its abrogation, and for three years under the Washington Treaty.

[Compiled from United States Commerce and Navigation Returns.]

| Fiscal year. | Dried and smoked | Pickled fish. | Other cured fish. | Fresh fish, not including oysters. | Total currency values of domestic exports. | Deduct exports from San Francisco. | Currency values of exports, exclusive of San Francisco. | Average value of currency. | Approximate gold values of domestic exports. | Value of foreign fish re-exported, not including fish preserved in oil. | Total exports of fish (gold values), exclusive of San Francisco. |
|---|------------------|---------------|-------------------|------------------------------------|--|------------------------------------|---|----------------------------|--|---|--|
| 1850-'51 | \$367,729 | \$113,932 | | | \$481,661 | | | Par. | \$481,661 | \$173,359 | \$655,020 |
| 1851-'52 | 354,127 | 98,883 | | | 453,010 | | | Par. | 453,010 | 207,520 | 660,530 |
| 1852-'53 | 371,607 | 89,409 | | | 461,016 | | | Par. | 461,016 | 333,019 | 794,035 |
| 1853-'54 | 389,973 | 162,187 | | | 552,160 | | | Par. | 552,160 | 358,913 | 911,073 |
| Average of four years prior to reciprocity | 370,859 | 116,103 | | | 486,962 | | | | 486,962 | 268,203 | 755,165 |
| 1860-'61 | 634,941 | 244,028 | | | 878,969 | \$33,254 | \$845,715 | Par. | 845,715 | 160,523 | 1,006,238 |
| 1861-'62 | 712,584 | 330,685 | | | 1,043,269 | 22,450 | 1,020,819 | 89.1 | 909,550 | 40,169 | 949,719 |
| 1862-'63 | 921,131 | 429,316 | | | 1,350,447 | 23,914 | 1,326,533 | 72.9 | 967,042 | 110,900 | 1,083,942 |
| 1863-'64 | 967,918 | 508,568 | \$29,543 | | 1,506,029 | 26,899 | 1,479,130 | 64 | 946,643 | 79,175 | 1,025,218 |
| 1864-'65 | 1,106,647 | 631,086 | | 13,890 | 1,751,623 | 21,177 | 1,730,446 | 49.5 | 856,571 | 54,793 | 911,364 |
| 1865-'66 | 734,427 | 360,074 | | 192,198 | 1,286,699 | | 1,286,699 | 71.2 | 916,130 | 118,694 | 1,034,824 |
| Average 1861-'66 during reciprocity | 846,274 | 417,293 | 4,924 | 34,348 | 1,302,839 | 18,242 | 1,284,597 | | 906,942 | 95,042 | 1,001,984 |
| 1868-'67 | 596,586 | 217,494 | | 189,281 | 1,003,361 | | 1,003,361 | 70.9 | 711,383 | 401,943 | 1,113,326 |
| 1867-'68 | 598,137 | 209,461 | | 184,774 | 992,372 | | 947,688 | 71.5 | 667,583 | 321,724 | 989,307 |
| 1868-'69 | 396,825 | 213,455 | 247,943 | 65,348 | 925,571 | 44,704 | 861,868 | 72.7 | 626,592 | 169,403 | 795,995 |
| 1869-'70 | 579,334 | 253,211 | 344,117 | 69,131 | 1,245,793 | 63,683 | 1,167,209 | 81.1 | 946,606 | 212,711 | 1,159,317 |
| 1870-'71 | 592,598 | 228,369 | 440,412 | 39,983 | 1,299,362 | 78,584 | 1,164,404 | 86.7 | 1,032,426 | 337,747 | 1,370,573 |
| 1871-'72 | 588,194 | 209,077 | 637,533 | 67,432 | 1,500,636 | 134,958 | 1,164,404 | 89.4 | 1,180,969 | 309,740 | 1,490,709 |
| 1872-'73 | 669,151 | 109,201 | 677,171 | 64,577 | 1,420,100 | 179,641 | 1,320,995 | 87.3 | 973,018 | 473,637 | 1,446,655 |
| Average 1867-'73, after abrogation of reciprocity | 560,503 | 205,467 | 335,025 | 97,275 | 1,198,170 | 115,300 | 1,082,870 | | 878,425 | 318,120 | 1,116,554 |
| 1873-'74 | 612,520 | 226,041 | 1,128,208 | 56,974 | 2,023,812 | | 1,331,440 | 87 | 1,184,981 | 112,608 | 1,297,789 |
| 1874-'75 | 710,121 | 359,689 | 1,855,350 | 60,448 | 2,934,768 | 692,372 | 1,564,017 | 69 | 1,302,776 | 162,924 | 1,573,700 |
| 1875-'76 | 900,306 | 417,281 | 2,102,302 | 80,879 | 3,500,988 | 1,429,871 | 2,140,387 | 90 | 1,934,418 | 113,343 | 2,047,791 |
| Average of 1874-'76, under Treaty of Washington | 741,005 | 334,330 | 1,693,427 | 69,100 | 2,439,802 | 1,157,948 | 1,081,915 | | 1,504,068 | 136,358 | 1,640,426 |

Q. That statement is compiled from United States trade and navigation returns ?—A. Yes.

By Mr. Foster :

Q. The last table you have put in shows the United States exports of fish of all kinds, cured and fresh, to foreign countries during a series of years ?—A. Yes, with the exceptions stated therein.

Q. What do you mean by re-exports ?—A. This term relates to fish imported into the United States and exported thence.

Q. Where are these fish exported to ?—A. To foreign countries.

Q. Do you know to what countries ?—A. Yes; the returns show that.

Q. Have you mentioned this in the statement ?—A. No.

Q. Have you put anything in it to show how much fish has been imported from the United States into the Dominion ?—A. Yes; I have a statement to that effect. (See Statement 8.)

Q. Have you charge of that part of the customs statistics which will give us the reports of the collector of customs at Port Mulgrave ?—A. There is no such port.

Q. But there used to be such a port ?—A. Yes.

Q. When did it cease to exist ?—A. Three or four years since, I think.

Q. Was that before or since 1874 ?—A. It was before 1874.

Q. We have had put in here some returns or reports of the collector of customs at Port Mulgrave, for the years 1873 and 1874, showing the number of vessels that passed through the Strait of Canso; do you know anything about this matter ?—A. No; Mulgrave is a subport. The collector there makes his reports to the collector at Guysborough, through whom we receive them.

Q. You get the same returns as formerly, though in a different way ?—A. Yes; but they include other information besides that respecting Port Mulgrave.

TUESDAY, *September 18, 1877.*

Mr. THOMSON. The case for the Crown is closed with two exceptions: One of our pieces of testimony will relate to the expenses involved in the maintenance of light-houses, buoys, and beacons, &c., which are used by the Americans; at least, they get the benefit and advantage of them in the prosecution of these fisheries, and we contend that they should pay for it. The witness we purpose calling in this relation is not here at present, but he will be here, I expect, in a few days, and if no objection is raised to it on the other side, we propose then to call him. The same course is intended to be pursued by us with regard to one of our witnesses from Grand Manan, whose family is now very ill, thus preventing his presence.

Mr. FOSTER. When these witnesses arrive you can introduce them.

Mr. THOMSON. With those exceptions, the case for the Crown is closed; and I suppose that any other witness whom we may desire to call will be heard.

Mr. FOSTER. We will grant anything for which there is reasonable excuse.

No. 82.

FRIDAY, *September 28, 1877.*

WILLIAM B. SMITH, residing at Cape Sable Island, Nova Scotia, master mariner and fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. How many years have you resided at Cape Sable Island ?—

Answer. I was born there, and it always was my home.

Q. How old are you ?—A. Fifty-four years.

Q. What kind of fish are caught in your neighborhood ?—A. Mackerel, herring, codfish, haddock, and pollock.

Q. With regard to mackerel, are they fished much from the shore by your people ?—A. Altogether from the shore.

Q. How far from the shore ?—A. From 90 fathoms or 180 yards from the shore to one mile, perhaps ; no further than one mile.

Q. Can you give us an idea of what quantity is exported from there every year. You live at Barrington ?—A. In the township of Barrington ?

Q. What quantity of mackerel is exported from the town of Barrington ?—A. About 8,000 barrels last year.

Q. How many boats are employed ?—A. About 200, as near as I can recollect.

Q. You catch them in traps besides ?—A. Yes.

Q. Do you fish with boats or traps ?—A. With traps.

Q. How far are your traps from the shore ?—A. 90 fathoms or 180 yards.

Q. Your fishing this year is pretty good ?—A. Middling.

Q. What quantity have you caught ?—A. 900 barrels.

Q. Have you ever been mackerel-fishing in vessels ?—A. Yes ; I have been six seasons, summer seasons.

Q. Were you in American or British vessels ?—A. The first season I was in an American vessel, the other five I was in British vessels.

Q. What was the first year ?—A. 1845.

Q. Where did you fish ?—A. From off Delaware River down to Mount Desert.

Q. Did you fish in an American vessel in the gulf ?—A. No.

Q. In British vessels ?—A. Yes.

Q. In what years ?—A. In 1851, 1852, 1853, and 1854.

Q. Off what shores did you catch your fish ?—A. Mostly off the north-west coast of Cape Breton.

Q. Did the rest of the fleet, or any of the fleet, fish with you in the same waters ?—A. Altogether, British and American.

Q. How many were there in the fleet ?—A. About 250 sail, British and American vessels altogether. We fished at the northeast side of Prince Edward Island also.

Q. At what distance from the shore did you fish off those coasts ?—A. We fished from half a mile to eight or nine miles out, perhaps.

Q. And what proportion of the catch made by you was taken within three miles of the shore ?—A. Mostly all of ours was taken within one mile from the shore.

Q. When you speak of catching your fish from one mile to eight miles off, do you mean your vessel or the fleet generally ?—A. The fleet generally. We all fished together.

Q. Give the names of the four vessels you were in ?—A. Pearl, Delegate, Isabella Maria, Glad Tidings.

Q. When were you last in Glad Tidings ?—A. 1873.

Q. Where did you fish ?—A. In North Bay.

Q. That is marked Aspee Bay ?—A. Yes ; and off Prince Edward Island and Cape Breton.

Q. How far did you fish off shore there ?—A. As close inshore as we could get.

Q. Was the Glad Tidings a British or American vessel ?—A. British.

Q. Was she a hand-liner or a purse-seiner ?—A. We used both, it

we did not catch any mackerel with the seine, because they were too close inshore.

Q. Did you take all your catch inshore?—A. All close in.

Q. Within what distance?—A. Within a quarter of a mile, principally. We anchored the vessel as near the shore as we could.

Q. Have you found there has been a change in the habits of mackerel with regard to the distance they are caught from the shore within the past twenty years?—A. Yes.

Q. In what respect?—A. They are more inshore.

Q. When you were there, in 1873, in the Glad Tidings, were other vessels there besides?—A. Yes.

Q. Many?—A. Quite a fleet. 50, 60, or 70 sail.

Q. American vessels?—A. Americans almost altogether, very few British vessels.

Q. You say you were within a quarter of a mile from shore?—A. They caught them where we caught ours. We all fished together.

Q. In 1873, am I correct in stating you did not go off shore beyond three miles?—A. We tried, but we did not catch any mackerel.

Q. As far as your knowledge goes, were any mackerel caught outside in 1873?—A. We did not know of any; not by the fleet we were fishing with.

Q. With regard to halibut fishing, is there any halibut fishing carried on near Cape Sable Island?—A. Not by British people. The Americans fish there.

Q. Every year?—A. Every year regularly.

Q. What is the number of the fleet which comes there to fish for halibut?—A. I have seen as high as 9 sail at one time. I should suppose there was from 40 to 60 sail.

Q. Are the vessels cod-fishers at other times of the year?—A. I think they are. During the latter part of May and June they fish for halibut, then they fish for cod until October, and then for halibut.

Q. In the spring and fall they fish for halibut, and in the summer for cod?—A. Yes.

Q. Where do you live?—A. On Cape Sable Island

Q. Can you see the fleet fishing for halibut?—A. Yes.

Q. Are they right within sight from your door?—A. Yes; I can count the men on deck with an ordinary glass. I counted at one time 9 sail at anchor fishing there.

Q. Do they take the halibut they catch to market salted or fresh?—A. They take them fresh. Some put them in water, others in ice. They do not salt any, I think.

Q. How long do vessels or the fleet remain there?—A. About two weeks are called a trip. After that they go home.

Q. How far from the shore are those halibut caught?—A. From one mile to two and a half or three miles perhaps, off.

Q. They are caught inshore?—A. Near my place they fish within one mile and a half of the shore, in 18 fathoms of water.

Q. Is there a bay called Lobster Bay there?—A. Yes.

Q. When you speak of having seen them, is that where you saw them?—A. A little to the southward of that—off where I live.

Q. They also fish in that bay?—A. I have passed there in vessels and seen them fishing in that bay.

Q. Do the people in your vicinity hire on board of American vessels and fish in them?—A. Yes.

Q. Then you would have an opportunity of hearing from them?—A. Yes.

Q. You have heard that from them ?—A. Yes. They often go as masters of vessels.

Q. You have heard it from neighbors of yours ?—A. Yes.

Q. How do they fish, with hand-lines or trawls ?—A. With trawls for halibut altogether.

Q. Where do they get bait ?—A. In the harbors there, from our people.

Q. What would you place the fleet at that frequents that vicinity ?—A. For halibut fishing, I think from 40 to 60 sail would be a fair average.

Q. They come and go; you say you have seen nine at one time. Do you mean to say that a different fleet comes along ?—A. I think so, because there are some there all the time.

Q. Are you perfectly positive about it ?—A. Yes.

Q. You speak from the evidence of your own eyes ?—A. I speak from my own knowledge, not from hearsay at all.

By Mr. Dana :

Q. Those vessels you have observed with a glass from your house, so that you could count the men on deck, did you know them to be Americans always, all of them ?—A. I know some of them to be Americans by the fact that I have been on board of them and supplied them with bait.

Q. When you go on board to supply them with bait you can tell their national character ?—A. Yes.

Q. But when you are looking at them through a glass, can you tell their national character ?—A. I can form a pretty good opinion. They fly the American flag.

Q. While they are fishing ?—A. Frequently. When they come in for bait, they always fly it.

Q. Is it not a signal that they want bait ?—A. Not exactly ; they don't signal for bait.

Q. Do you mean to say that an American vessel floats its colors while it is lying-to fishing ?—A. They do very often.

Q. If there is any need in showing their colors, no doubt they will do it ?—A. We have been in the habit of doing it when we get a good catch of fish.

Q. You run up the national flag when you have a good catch ?—A. We run up some flag.

AQ. Do you run up the national flag ?—A. The one we generally use.

Q. When you have not the national flag, what do you substitute ?—A. We substitute the next best.

Q. And if you don't have a good catch ?—A. We don't use any flag.

Q. Is it the same with those vessels off there of which you have spoken ?—A. They mostly always hoist their flag when they come into port.

Q. If an American vessel is lying off fishing, does she fly the national colors ?—A. Sometimes they do ; not always.

Q. Not by any means always ?—A. Not always.

Q. I don't mean when coming into port, or when they have had extraordinary luck, but is it anything like the custom to fly the national flag when the fleet is lying-to fishing ?—A. I don't think it is.

Q. How do you know the national character of those vessels, except when you have been on board and except when they have come into port and you have watched them out ?—A. I see them in the harbor with their flags up.

Q. But if they do not come into harbor, how do you know the national character of the vessels?—A. I could only tell from appearances.

Q. Are there no British vessels fishing for halibut off your coast?—

A. I don't know of any British vessels fitting out to fish for halibut.

Q. From where?—A. From anywhere.

Q. Inshore or out?—A. Not to fish for halibut.

Q. Don't they fish for halibut?—A. Not that I know of.

Q. You never knew of a British vessel fitting out to fish for halibut?—

A. No.

Q. Do I understand you to say that you never knew a British vessel to go out to fish for halibut?—A. I never knew of one.

Q. There are not many British Canadian or provincial vessels which now go out to fish at all?—A. Yes; there is a large fleet.

Q. What was the number of Nova Scotia vessels, decked fore and aft—not boats—which were fishing for mackerel when you began to know about them?—A. I cannot say; but the number was very small.

Q. And then they increased in number?—A. Yes.

Q. Up to what time?—A. I do not know but that they are increasing yet.

Q. Do you not know that the number of vessels which has been fishing for mackerel anywhere in Dominion waters has very much decreased, and that the fishermen have taken to boat-fishing instead?—

A. I could not say; the eastern people in Prince Edward Island and Cape Breton have taken to boats.

Q. They have very largely left off vessel-fishing and taken to boats?—

A. I think that they have left off going in American vessels, and have gone fishing in their own boats.

Q. They have left off building and buying vessels, and sending the larger class of vessels fishing?—A. I could not say that.

Q. In what depth of water did these vessels you speak of, and which you watched more or less, fish?—A. In this one particular place, near where I live, they fish in about eighteen fathoms of water.

Q. For halibut?—A. Yes.

Q. How far from the shore?—A. Not over one and a half miles from an island called Green Island; about one and a half miles from it.

Q. In what direction?—A. About southwest by west, I think.

Q. Do you say that, as a general thing, a depth of eighteen fathoms of water is to be found within one mile or one and a half miles of your shore?—A. There is a place with a depth of eighteen fathoms about one and a half miles from the shore, but the soundings are generally broken. The water is deep and shoal, the bottom being ridgy, and this is the deep spot where they catch halibut, which like deep water; this is near and southwest by west of Green Island. Perhaps you may not have the soundings, but that is the depth of the water.

Q. Having examined the soundings marked on the chart, do you dispute the correctness of the chart?—A. I do if eighteen fathoms is not marked there. I can find that depth within one and a half miles of Green Island, and I can find fourteen fathoms inside of this island.

Q. What figure is this which I now show you?—A. 20; but that is wrong. There is no twenty fathoms there.

Q. Look at the chart and see if you can find one place within three miles of the coast where is to be found the depth you mentioned; you give it up?—A. No; I will not.

Q. Is it not true that you cannot find eighteen fathoms, unless it be in a hole, within three miles of your island?—A. No; I can find eighteen fathoms in plenty of places within that distance.

Q. How do you account for this not being mentioned on the chart?—

A. I do not know why it is, I am sure.

Q. There are small holes with such depth in that neighborhood?—A. No; but quite large places, where you can set a good long trawl.

Q. But there are none of eighteen fathoms; the distance put down on the chart within the three-mile limit there all vary from five to fifteen fathoms?—A. They are not correct; I would not trust to these soundings. I would go by my own soundings and not use the chart.

Q. You mean that vessels go to particular spots where there is a depth of eighteen fathoms; you admit the general correctness of these soundings?—A. On some lines they are correct, and on some they are not to be depended on. Fishermen do not run by the chart when near the shore. In some places there is a depth of twenty-five fathoms; I have sounded them at different times.

Q. Do the vessels which you call American lie at one place or move about?—A. They shift about.

Q. You think that they drift from one deep spot to another?—A. They do generally look for deep water, and where they fish they come to anchor, when taking halibut.

Q. Can you give us the name of any of these vessels that you say have fished within that distance of the shore in eighteen fathoms of water?—A. I can give the name of one, the Sarah E. Pile, Captain Swett, of Gloucester. I supplied him this summer with 2,800 mackerel.

By Mr. Foster:

Q. Is he a halibut fisher?—A. I think he fishes for halibut.

By Mr. Dana:

Q. What year was that?—A. This present year. Swett is a neighbor of mine.

Q. This vessel then is under the command of a Nova Scotia master?—A. Yes.

Q. Is he a British subject?—A. Yes.

Q. How does he come to be in command of an American vessel?—A. One-half of the Cape Ann fleet is commanded by men who come from my neighborhood, and who have lived at Cape Ann for some time.

Q. Just enough to get their papers, I suppose?—A. I don't know how they manage that. I sold the 2,800 mackerel on the 5th of last June, for bait.

Q. You have with you a memorandum concerning this vessel to which you sold these mackerel?—A. Yes.

Q. What did they do with mackerel?—A. They put the fish in ice on board. I don't know what became of the latter afterwards.

Q. What did the vessel do then?—A. She went out to fish.

Q. Did you see her do so?—A. Yes.

Q. Did she continue fishing with 2,800 fresh mackerel on board?—A. The captain took them for part of his bait. We did not supply her altogether with bait.

Q. Did you go on board of her after she left the harbor?—A. No.

Q. Do you know what she caught?—A. No.

Q. Whether cod or mackerel?—A. No.

Q. It might have been cod?—A. Yes.

Q. Why did you say it was halibut?—A. I say that we supplied her with bait, but I do not know that she caught halibut.

Q. As to those vessels, can you tell with your glass at that distance whether what they haul on board is halibut or cod?—A. I do not know.

what they catch, but they say that they come there to fish for halibut. I frequently converse with them.

Q. You cannot tell of a certainty what is the national character of vessels fishing off there with no colors flying, which do not come into the harbor; and then you cannot tell whether they catch cod or halibut unless you communicate with them?—A. I frequently converse with the men, but I do not know the names of the vessels.

Q. Can you give the name of any other vessel besides the one you mentioned?—A. No; but I remember the name of one other master. It is Ireland, I think. He is in command of a New London vessel.

Q. Is he a British subject?—A. I do not know.

Q. He was in a New London vessel?—A. Yes.

Q. Was he in the harbor?—A. Yes; frequently, to get bait and ice.

Q. Can you remember the name of a place from which any other vessel came?—A. All I know about it I have told you. I cannot remember any other name.

Q. Can you remember from what port she sailed?—A. I only know what I have been told about the vessel from New London.

Q. Where were the other vessels from, as far as you know?—A. I have been on board of Gloucester vessels.

Q. Where were they lying?—A. In what we call Shag Harbor, where they get ice.

Q. Are you in the habit of boarding them when they are off fishing?—A. No; but in the harbor.

Q. And then you talk with the men?—A. Yes.

Q. Can you tell us the place from which any vessel came, excepting the two you have mentioned?—A. I do not know the names of any others.

Q. But some came from Gloucester?—A. Several did so, I know.

Q. And you learned whether they are fishing for cod or halibut from the vessels that come into the harbor?—A. I learn it from the men themselves on board of the vessels. You will understand that when they come over there they first come in the harbor to get ice and bait, and then we learn where they are from and what their business is; that is how I procure this information.

Q. Do all of them come into your harbor?—A. As a general thing they do. They come there for ice and bait, because they can get ice cheaper there than at home.

Q. Do they not bring their bait with them?—A. No.

Q. They bring none with them?—A. I have hardly ever known them to do so. In fact, they cannot get bait at home; it is not to be had, unless they take salt bait, to my knowledge.

Q. How long does it take them to come there from Eastport, Gloucester, and Portland?—A. From Gloucester, 30 hours is a fair run.

Q. Can they not get bait to live that length of time?—A. I do not know where they are to get it at home.

Q. Is any ice to be found in New England?—A. Yes, plenty of it; but they prefer ours, some way or other.

Q. Is there no bait to be found in New England, which will last a fortnight?—A. They do not get it there, or else they would not come to us for it. We have an ice-house which puts up 1,300 or 1,400 tons of ice, and over one-twelfth of it is taken by the American fishermen.

Q. What becomes of the rest of it?—A. The British take some of it, and the balance runs away.

Q. What kind of British?—A. Nova Scotian.

Q. What do they fish for?—A. Cod.

Q. Where?—A. Off shore.

Q. They fish for cod and the Americans for halibut?—A. Yes.

Q. You know that this is the case?—A. The Americans say that they fish for halibut.

Q. Do not the British vessels fish for halibut?—A. We have never had a British vessel fit out to catch halibut to my knowledge. The Americans fish inshore and our vessels off shore.

Q. How far off?—A. We go off 20 and 25 miles to fish.

Q. Then the cod-fishery is an off shore fishery?—A. It is an inshore and off shore fishery; inshore the open boats fish and off shore the vessels.

Q. Why do not the vessels fish inshore if plenty of cod are to be found there?—A. They leave that fishery to the old men and to those who are not capable of going outside to fish.

Q. Do you really think that this is the reason for it?—A. Yes.

Q. Do you not think that if they found plenty of cod inshore they would fish there?—A. No. The young men like to go out to fish.

Q. I am perfectly willing to let you have as high an opinion of your own people as you like, but if they found more cod inshore than off shore would they not come in to catch them?—A. They do not consider it an honorable thing for a large schooner to come inshore and fish among the open boats. We consider that it is the privilege of the open boats to fish inshore. The vessels do not think that it is right to take advantage of this privilege, and so the decked vessels fish off shore.

Q. Then the American schooners do not come inside to catch fish among the boats?—A. No; not generally.

Q. Do they not respect the privilege you mention?—A. I think it is very likely that they do, because we have our people in them.

Q. That is because they are commanded by British subjects?—A. Over one-half of them are so, I think.

Q. From 1851 to 1854 you were fishing off Cape Breton and other places?—A. Yes, and Prince Edward Island.

Q. In British vessels?—A. Yes.

Q. Were there a great many British vessels fishing there then?—A. I think not; there was something like seventy sail of British vessels at these places at the time.

Q. Has there been anything like that number there since?—A. I do not know what the number has been since.

Q. You have heard, have you not?—A. I could not say.

Q. You have heard that the number of British vessels has since then very largely diminished?—A. I do not know whether this is the case or not.

Q. But you have heard so?—A. I do not know that I have. I know that our vessels from Lunenburg, after the cod-fishing season is over, generally go to North Bay for mackerel.

Q. In 1873, you fished off Cape Breton and Prince Edward Island?—A. Yes.

Q. And you anchored that year within one-quarter of a mile of the Prince Edward Island shore?—A. No; this was off the Cape Breton shore.

Q. You never anchored within one-quarter of a mile of Prince Edward Island?—A. No; the water there is very shallow, and it is not a pleasant coast to anchor on; I now refer to the northeast side.

Q. It would not do to anchor there except in mid-summer, I suppose?—A. No; you want to keep a good lookout there.

Q. What was the tonnage of your vessel?—A. In 1873, the vessel I was in was of 53 tons.

Q. Do you know what it was by the American system?—A. It was 53.

Q. Then the present American system is the same with yours?—A. I think so.

Q. When you would anchor within a quarter of a mile of the coast it would be on a bold shore?—A. It was in 12 feet of water; the vessel only drew 8 feet in ballast.

Q. Then, with a small vessel of 50 tons, you would not wish to anchor within a quarter of a mile of the shore?—A. I would go as near it as I dared if I could catch mackerel there.

Q. And you would dare to do so on such a shore as that of Cape Breton?—A. We were fishing off Sydney a good deal of the time.

Q. But off parts of the Cape Breton shore you would not like to do so?—A. There parts of it are very ragged, but a quarter of a mile off from it affords safe anchorage anywhere around it for a vessel of that size.

Q. I think you said that after your vessels have done cod-fishing they go into the gulf for mackerel?—A. The vessels on the western shore, from Lunenburg and Queen's County, do so.

Q. Are you well acquainted with those places and their fishermen?—A. Yes.

Q. How many Lunenburg mackerel-fishing vessels now go into the bay for mackerel?—A. I could not say how many have done so this year.

Q. But in previous years?—A. I could not say.

Q. Can you give the number for any time within the last five years?—A. I would not pretend to state the number, but suppose that quite a large fleet goes from Lunenburg.

Q. Can you risk any number which you are willing to stand by?—A. I would not like to do so, because I could only give a rough calculation.

Q. I would like to have it?—A. I could not come perhaps within one-half of the real number. I do not know what number of vessels from Lunenburg is engaged in the fishing business.

Q. How many come to the Bay of Saint Lawrence after they are done cod fishing?—A. I think that the large portion of these vessels do so. They fish northeast of Prince Edward Island, at the Magdalen Islands, and around there in the autumn; also about the northwest coast of Cape Breton.

Q. The Magdalen Islands are a good deal frequented by them in the autumn, when the mackerel are coming down on their way out of the bay?—A. Considerably; yes.

Q. Have you this year seen any vessels which you knew to be Gloucester vessels and which you boarded in the harbors?—A. I have passed them.

Q. Have you seen the word "Gloucester" on their sterns?—A. Yes.

Q. How many Gloucester vessels have you been on board of this year?—A. I could not say that I have been on board of more than one.

Q. Which one?—A. The one I gave you the name of, under command of Captain Swett.

Q. Were you on board of any other Gloucester vessel this year?—A. No, not that I recollect of; but I passed them at anchor this year in the harbor.

Q. How many Gloucester vessels have you passed besides the one you have named?—A. I cannot tell exactly how many, but I think there were 12 or 15.

Q. Lying in your harbor?—A. Yes.

Q. Did you speak to them?—A. Not particularly that I know of. I did not go on board of them.

Q. Then you do not know positively where they are from?—A. No, save from hearsay.

Q. You do not know what they caught when they went off to sea?—A. No.

Q. Do you know why it is, if there is good halibut fishing so near your shore, that your people do not go into it?—A. I think the reason is because we have no market for fresh halibut.

Q. Where is such a market?—A. In the United States—at Boston, Cape Ann, &c.

Q. How could they be taken there fresh?—A. In ice or in water in smacks in the wells. The New London vessels are mostly all smacks with wells of salt water. Gloucester vessels preserve them, I think, in ice.

Q. Why cannot your people do the same thing?—A. I suppose we could do so if we had vessels suitable for the business.

Q. Are your vessels not suitable to carry them in ice?—A. O yes.

Q. Why don't you do it?—A. There is not enterprise enough. I do not know what other reason there is for it.

By Sir Alexander Galt:

Q. Are the fish kept alive in the wells?—A. Yes.

By Mr. Dana:

Q. And you have none of these smacks?—A. No.

Q. You have never tried them?—A. No.

Q. Have not those smacks been rarely seen during the last five years?—A. No. I think that a considerable number of New London smacks are cruising yet. I do not know of any belonging to Gloucester or Cape Cod. I confine them altogether to New London. I have no recollection of ever having seen any Gloucester smacks, or any from any place except New London. Still there may be smacks which come from other places of which I have no knowledge.

Q. Are these halibut catchers which you have seen off your coast generally small vessels?—A. They are from 50 to 70 tons burden.

Q. You do not have vessels of 90, 100, and 120 tons fishing there?—A. I do not think it.

Q. Are most of the vessels which fish off there smacks?—A. No.

Q. What proportion of them are smacks?—A. A small proportion, I think, New Londoners. The largest portion of the fleet is composed of Cape Ann vessels, varying from 50 to 70 tons.

Q. Have you ever seen any vessels there from New London which were not smacks?—A. I do not recollect of any, but there may have been some. I think it is likely that there have been vessels besides smacks there from New London.

Q. You say that you believe a majority of the fleet fishes there for halibut or cod, and that most of them are from Gloucester?—A. Yes; the majority of the halibut fleet is from Gloucester, I think.

Q. And the rest are from New London?—A. I think so, principally. There may be, however, a few from the State of Maine.

Q. Do they send any smacks from Maine?—A. I do not think they do; I do not know of any coming from there.

Q. You attribute the failure of your people—assuming that you are right—to catch halibut and take them fresh to the States, to lack of enterprise?—A. I would not say that this was the case.

Q. It was the only cause you assigned; is the halibut fishery a pr

fitable fishery at all?—A. I do not know. I could not say. I suppose, however, that it is, or they would not follow it.

Q. Is the codfishery profitable?—A. I suppose so—some years it is not so good as it is other years. I think that the fishermen make a living out of it.

Q. And of these two fisheries, the cod-fishery is the most profitable and certain?—A. I would risk going cod-fishing myself before I would go halibut-fishing.

Q. Do you know anything about the salting of halibut? Is that done?—A. We used to do it; but it has not been done latterly. We do not now get any to salt.

Q. Where did you send them when you salted them?—A. We used to bring most of them to Halifax, and to St. John, N. B.

By Mr. Davies:

Q. You used to catch halibut in wiers?—A. Yes; in our traps.

Q. Close by the shore?—A. Yes.

Q. And now you do not catch them in these traps?—A. Yes.

Q. And that is the only way in which you prosecuted the halibut fishery?—A. We caught them with hand-lines in boats, close in shore.

Q. Halibut are not found where they used to be?—A. We do not now catch any with our hand-lines, or in our traps.

Q. What is the cause of this, as far as you know?—A. I think trawling. The trawls now catch them all.

Q. I understood you to say that these American vessels, which you speak of as engaged in the halibut fishery, are also engaged in the cod-fishery during the summer months?—A. Yes; after the halibut fishing is over.

Q. And then again in the fall they resume halibut fishing?—A. Yes; when the bait comes inshore.

Q. Can you give me a statement of the fish exports of the town of Barrington?—A. Barrington proper contains about 7,000 inhabitants; and we exported, I think, last year, 35,000 quintals of cod, valued at \$58,000; 12,000 quintals of haddock and pollock, valued at \$36,000; 8,000 barrels of mackerel, valued at \$56,000; 2,000 barrels of herring, valued at \$7,000; and 1,200 barrels of oil, valued at \$15,000; making a total of \$172,000.

Q. Where do you send your codfish?—A. Most of our small and large codfish come to Halifax; and a few, also, are sent to Lockport and Yarmouth.

Q. With reference to the soundings which have been mentioned—you speak pretty confidently respecting the soundings about Green Island; have you made them personally?—A. Yes; I speak concerning them from my own actual knowledge.

Q. You have been all over that ground?—A. Yes; repeatedly.

Q. You have not the faintest shadow of a doubt about your soundings?—A. No.

Q. You have been at this work ever since you were a boy?—A. Yes; and I would not give in to anybody's soundings.

By Mr. Dana:

Q. You have spoken of certain American vessels which, according to your judgment, were halibut fishing. During what portion of the season are they there catching halibut?—A. From about the 20th of May to the 20th of June, and afterwards from the first to the last of October—about two months in all.

Q. Do you know whether the same vessels are there in the spring and fall?—A. No.

Q. What are they doing the rest of the season?—A. I cannot say.

Q. Do you then see them?—A. No; not that I know of.

Q. Then you count all the time they are in sight, with or without a glass, as the halibut season?—A. The only way I know of their presence is when I see them laying at anchor; that is the only time which I undertake to count.

Q. And you do not undertake to say what they are or what they do during the rest of the season?—A. No.

Q. You do not mean to say that the same vessels during the spring and fall are within that distance all the time you have mentioned?—A. I would not say that they are the same vessels; there may be others.

Q. During this period these vessels may be off and then in again?—A. Just so.

By Mr. Davies:

Q. Do you think that the vessels that fish there in May and June fish for cod in July and August?—A. Yes.

By Sir Alexander Galt:

Q. But you do not know that this is the case?—A. No.

By Mr. Foster:

Q. Are these vessels anywhere near your shore save in May, June, and October?—A. I do not then see them.

Q. They disappear during the rest of the season?—A. The time I mentioned is the only season during which they fish inshore, to my knowledge.

Q. During what part of these eight weeks do you mean to say that they are within three miles of the shore?—A. We see them laying there during these two months.

Q. Within three miles of the shore?—A. Yes.

By Sir Alexander Galt:

Q. Do the smacks which are provided with wells ever fish for cod?—A. I think not, but I do not know.

No. 83.

DANIEL M. BROWNE, of Halifax, N. S., was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. What position do you hold?—Answer. I am a retired naval officer, and I now am serving as a clerk in the marine and fisheries department of the Dominion of Canada.

Q. Have you, in your official position, any knowledge as to the number of light-houses which are situated on the coasts of the British provinces?—A. Yes; I have been a good deal around these coasts. During the time when the fisheries were protected, I was in the protection service in command of a cruiser for a couple of seasons. I have also been a good deal around the coast conveying supplies to light-houses.

Q. This is part of your business?—A. Yes.

Q. Will you state what the number of light-houses on the coast is?—A. On the Nova Scotian coast there are 108 lights, and of these 82 are available for use by American fishermen; on the Quebec coast there are 46 lights, of which 29 I consider available for use by Americans.

fishermen; on the New Brunswick coast there are 60 lights, of which 32 are available as mentioned; and on Prince Edward Island there are 20 lights, all of which, I presume, are so available; besides these, there are, of course, fog-whistles.

Q. Is there a fog-whistle at every light-house?—A. No.

Q. How many fog-whistles are there which are available to American fishermen?—A. There are ten on the Nova Scotian coast; and I suppose there is about an equal number on the coasts of the other provinces altogether.

Q. Are they all available to American fishermen?—A. Yes; all, more or less.

Q. You are speaking from experience obtained on these coasts?—A. Yes.

Q. Which are available for the American fishermen, and which are not so?—A. I should say that all the fog-whistles could be so available. I know all are so, except one, perhaps, in the Bay of Fundy.

Q. Where?—A. At Cape D'Or. I suppose that this one is not of much use to American fishermen.

Q. I do not know why not.—A. I have not been out there a great deal; but I should presume that this fog-whistle would not be of a great deal of use to them.

Q. With that single exception, all the others would be useful to them?—A. Yes.

Q. There are buoys and beacons on our coasts besides?—A. Yes.

Q. How many of them are there, and how many of them are available to the Americans?—A. I have not got their number. I have simply put down their cost. The cost of the maintenance of buoys and beacons on the coast of Nova Scotia amounts to \$6,493 in the year.

Q. What is such cost in connection with the light-houses?—A. Seventy-seven lights on the Nova Scotia coast, on the average cost \$3,000 each.

Q. How did you make up this paper?—A. From the books. The statement is as follows:

Maintenance of lights in the Dominion, used by the fishermen of the United States.

Nova Scotia agency:

| | | |
|---|----------|-----------------|
| 82 lights and 9 fog-whistles | \$82,039 | |
| Humane establishment at Sable Island and St. Pauls' | 14,182 | |
| Buoys and beacons | 6,493 | |
| Dominion steamers, $\frac{8}{100}$, \$39,000 | 29,609 | |
| | | <hr/> \$132,323 |

Quebec agency:

| | | |
|--|--------|--------------|
| 46 lights below Quebec, including fog-whistles; of these 29 are used by American fishermen. Cost of maintenance of 46 is \$94,997, therefore $\frac{29}{100}$ of this amount | 59,889 | |
| Cost of steamers carrying supplies | 25,000 | |
| | | <hr/> 84,889 |

New Brunswick agency:

| | | |
|--|--------|--------------|
| 60 lights and fog-whistles; of these 32 are used by American fishermen. Cost of maintenance of 60, including supply-vessels, \$52,276; therefore $\frac{32}{100}$ of this amount | 27,880 | |
| Buoy service | 10,275 | |
| | | <hr/> 38,155 |

Prince Edward Island:

| | | |
|--|--------|---------------|
| Total lights, 20. Cost maintenance | 13,730 | |
| | | <hr/> 268,197 |

Construction of fog-whistles and light-houses used by the United States fishermen.

| | |
|---|-----------------|
| Sambro Island fog-whistle..... | \$23, 436 |
| Cape Sable fog-whistle | 10, 200 |
| Seal Island fog-whistle | 4, 552 |
| Yarmouth fog-whistle..... | 4, 000 |
| Brier Island fog-whistle..... | 7, 500 |
| Digby fog-whistle | 5, 828 |
| Cranberry Island fog-whistle..... | 6, 740 |
| Sable Island fog-whistle | 6, 081 |
| St. Paul's fog-whistle..... | 10, 275 |
| | <hr/> \$72, 612 |
| Sable Island light-houses | 51, 457 |
| Barrington light-vessel | 5, 000 |
| St. Paul's lights, humane establishment, &c | 50, 000 |
| 77 lights, at an average cost of \$3,000 each (20 lights recently built cost \$2, 937 each)..... | 231, 000 |
| | <hr/> 337, 457 |

| | |
|---|----------|
| Total estimated cost of construction of lights, fog-whistles, &c., in Nova Scotia, used by American fishermen | 416, 069 |
| One-half of the lights used by Americans fishing off the coasts of the Domin- ion are in Nova Scotian agency; therefore for the other provinces add..... | 416, 069 |

| | |
|--|----------------|
| Total estimated cost of construction of all the provinces..... | <hr/> 832, 138 |
|--|----------------|

| | |
|---|------------|
| Total estimated cost of construction of 165 lights, fog-whistles, and humane establishments, used by United States fishermen, on the coasts of the Do- minion | \$832, 138 |
| Cost of maintenance of above for one year..... | 268, 197 |

A list of the Canadian lights, Bay of Fundy, Coast of Nova Scotia, and the Gulf of St. Lawrence, used by the fishermen of the United States.

| | | | |
|--|---|--|---|
| Machias, Seal Island (2), Gannet, Swallow Tail, South Wolf, Head Harbor, Blue's Island, Drew's Head, Lepreau, Partridge Island, Cape Spencer, Digby, Boar's Head, Briar Island, St. Peter's Island, Sissiban, Church Point, Meteghan, Cape St. Mary, Cape Forchu, Bunker's Island, Seal Island, Pubnico, Ban Portage, Cape Sable, Barrington Light- ship, Baccaro, Negro Island, Cape Roseway, Sand Point, Gull Rock, Carter's Island, Port L'Ebert, Little Hope, Port Mouton, Fort Point, | Cross Island, Hobson's Nose, Chester, Peggy's Point, Betty's Island, Sambro, Chebucto, George's Island, Maugher's Beach, Devil's Island, Egg Island, Beaver, Liscomb, Isaac's Harbor, Country Harbor, Torbay, Whitehead, Cape Canso, Canso Harbor, Guysborough, Sand Point, Point Tupper, Creighton's Head, Jerseyman's Island, Petetdegras, Green Island, Guion Island, Louisburg, Mamadian, Scatterie, Low Point, Sydney Bar, Point Aconi, Ciboux, Ingonish, Cape North, Cheticamp, | Pictou, Amet Island, North Point (P. E. Island), West Point, Summerside, Sea Cove Head, Crapaud, Charlottetown, Point Prim, Wood Island, Murray Harbor, Panmure Head, Georgetown (P. E. Island), East Point, St. Peters, Tracadie, North Rustico, South Rustico, New London, Fish Island, Little Channel, Cascumpec, Tourimam, N. B., Shediac, Shediac Island, Cassia's Point, Richibucto, Preston Beach, Grant's Beach, Escuminac, Miramichi Light-ship, Fox Island, East, Fox Island, N. W., Portage Island, Nequac, | Shippegan, Goose Lake, Caraquet, Bathurst, Carleton Point, Paspebiac, Maquereau Point, Cape Despair, Percé, Gaspé, Gaspé Bay Light-ship, Cape Gaspé, Cape Rosier, Cape Magdalen, Martin River, Cape Chatte, Matan, Point de Monts, Egg Island, Seven Islands, West Point (Anti- costi), S. W. Point, Bagats Bluff, Heath Point, Belle Isle, Amour Point, Cape Norman, Point Rich, Cape Ray, St. Paul's N. E., St. Paul's S. W., (Magdalen Islands), Bird Rocks, Entry Island, Amherst Island, Etan du Nord, |
|--|---|--|---|

| | | | |
|------------------|------------------|-----------------|------------------|
| Coffin's Island, | Margaree, | Tabusintac, | (Sable (Island,) |
| Port Medway, | Port Hood, | South Tracadie, | East Light, |
| Mason Island, | North Canso, | North Tracadie, | West Light, |
| Le Have, | Pomquet Island, | Pokemouche, | Flint Island, |
| West Ironbound, | Cape St. George, | Miscou, | Point Tupper. |
| Battery Point, | Pictou Island, | | |

By Mr. Foster:

Q. Have you the dates of the erection of these light-houses?—A. No; but I have seen them in the books.

Q. Could you furnish them?—A. O, yes.

Q. Will you do so?—A. Yes.

Q. Were not light-dues exacted for a good many years?—A. This has not been done within my recollection; it has not been done since 1870.

Q. How far back does your experience extend?—A. I can only speak from 1871.

Q. Have you not the means of showing when the light-dues were taken off?

Hon. Mr. SMITH. This was done in 1868 everywhere except on Prince Edward Island, and on Prince Edward Island they were taken off in 1873.

Q. Do you know what the light-dues were when they were exacted?—A. No.

Q. Have you the means of showing this?—A. I might be able to ascertain it.

Q. Have you the means of showing how much money was collected from American vessels for light-dues?—A. I think not.

Q. Would there be no way of showing that?—A. It might be obtained from old returns.

Q. It would be hard to get at it?—A. I would not know how to obtain it at all.

Q. You say you will give me the dates of the erection of these light-houses?—A. That can be ascertained, I think.

Q. How far back is it since the earliest light-house was erected on these coasts?—A. The Sambro light-house was erected in 1758.

Q. Do the fishermen use these light-houses in any particular way?—A. They use them generally as they go along the coast; and they point out the fishing-grounds.

Q. Tell me about that.—A. If a man wants to ascertain the location of the spot where he is, inshore, he takes the bearing of the light and fixes his ship's position; he thus knows exactly in what course to steer to reach the fishing-grounds.

Q. What fishing-grounds are pointed out by particular light-houses?—A. I do not mean that, but it stands to reason that if a man wants to run to a certain point in the ocean anywhere, he makes use of these lights when this is possible.

Q. That relates to fishing or anything else?—A. Yes, to any purpose.

Q. I thought you meant that there were particular lights to show the location of fishing-grounds?—A. O, no; certainly not.

Q. Then all the people who sail on the sea, similarly get the benefit of these light-houses?—A. Exactly.

Q. As long as the Government of the Provinces thought it wise to charge fees in this regard, they did so; and when they thought it wise to cease charging such fees, they gave it up?—A. Yes.

Q. And they gave this up in 1868, everywhere except on Prince Edward Island, where the practice was abandoned in 1873?—A. Yes.

Mr. THOMSON. This was abandoned in Quebec long before 1868.

By Mr. Thomson :

Q. I suppose the fishing business could not be prosecuted along coast by the Americans, or probably by anybody else, without lights?—A. It would be hazardous to attempt it. I would not say it could not be done, but it would certainly be a hazardous undertaking.

W. L. G. G.

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